



1998

Illinois Register

Rules of Governmental Agencies

Volume 22, Issue 33—August 14, 1998

Pages 14,503 - 15,112



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

August 14, 1998 Volume 22, Issue 33

PROPOSED RULES

HUMAN SERVICES, DEPARTMENT OF

Medicaid Community Mental Health Services Program	59 Ill. Adm. Code 132	14503
Personnel		
59 Ill. Adm. Code 104, Repeal		14514
Provider Requirements, Type Services, And Rates Of Payment	89 Ill. Adm. Code 686	14518
Standards And Licensure Requirements For Community-Integrated Living Arrangements	59 Ill. Adm. Code 115	14526

INSURANCE, DEPARTMENT OF

Accumulation Of Guaranty Fund Or Guaranty Capital- Reporting And Accounting Of Such Indebtedness	50 Ill. Adm. Code 301	14593
--	-----------------------	-------

NATURAL RESOURCES, DEPARTMENT OF

Plugging And Restoration Contracts	44 Ill. Adm. Code 610	14598
------------------------------------	-----------------------	-------

NUCLEAR SAFETY, DEPARTMENT OF

Quality Standards and Certification Requirements for Facilities Performing Mammography	32 Ill. Adm. Code 370	14610
--	-----------------------	-------

PUBLIC AID, DEPARTMENT OF

Hospital Services	89 Ill. Adm. Code 148	14613
-------------------	-----------------------	-------

REVENUE, DEPARTMENT OF

Retailers' Occupation Tax	86 Ill. Adm. Code 130	14615
Use Tax	86 Ill. Adm. Code 150	14643

ADOPTED RULES

BANKS AND REAL ESTATE, OFFICE OF

Hearings Before The Office Of Banks And Real Estate	38 Ill. Adm. Code 392	14723
Reimbursement to Banks and Corporate Fiduciaries for Finance Records	38 Ill. Adm. Code 356	14729
Reverse Mortgage Loans	38 Ill. Adm. Code 300	14732

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Merit And Fitness	80 Ill. Adm. Code 302	14735
-------------------	-----------------------	-------

HUMAN SERVICES, DEPARTMENT OF

Temporary Assistance For Needy Families	89 Ill. Adm. Code 112	14744
---	-----------------------	-------

NATURAL RESOURCES, DEPARTMENT OF

Boat And Snowmobile Registration And Safety	17 Ill. Adm. Code 2010	14759
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, And Rabbit Hunting	17 Ill. Adm. Code 530	14762
Crow, Woodcock, Snipe, Rail And Teal Hunting	17 Ill. Adm. Code 740	14782
Dove Hunting	17 Ill. Adm. Code 730	14792
General Hunting And Trapping On Department-Owned Or -Managed Sites	17 Ill. Adm. Code 510	14804
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver And Woodchuck (Groundhog) Trapping	17 Ill. Adm. Code 570	14809
Open Space Lands Acquisition And Development Grant Program	17 Ill. Adm. Code 3025	14817
Public Use Of State Parks And Other Properties Of The Department Of Natural Resources	17 Ill. Adm. Code 110	14832
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote And Woodchuck (Groundhog) Hunting	17 Ill. Adm. Code 550	14836
Squirrel Hunting	17 Ill. Adm. Code 690	14844
The Taking Of Reptiles And Amphibians	17 Ill. Adm. Code 880	14852
The Taking Of Wild Turkeys-Fall Archery Season	17 Ill. Adm. Code 720	14856
The Taking Of Wild Turkeys-Fall Gun Season	17 Ill. Adm. Code 715	14866
White-Tailed Deer Hunting Season By Use Of Handguns	17 Ill. Adm. Code 680	14875

PROFESSIONAL REGULATION, DEPARTMENT OF

Illinois Dental Practice Act	68 Ill. Adm. Code 1220	14880
------------------------------	------------------------	-------

PUBLIC AID, DEPARTMENT OF

Child Support Enforcement	89 Ill. Adm. Code 160	14895
---------------------------	-----------------------	-------

REVENUE, DEPARTMENT OF

Electronic Filing Of Returns Or Other Documents	86 Ill. Adm. Code 760	14905
---	-----------------------	-------

Motor Fuel Tax	
86 Ill. Adm. Code 500	.....14917
Special County Retailers' Occupation Tax For Public Safety	
86 Ill. Adm. Code 670	.....14926
Special County Service Occupation Tax For Public Safety	
86 Ill. Adm. Code 680	.....14930
STATE BANKING BOARD OF ILLINOIS	
Hearings For Removal Of Directors, Officers, Employees Or Agents Of A	
State Bank Or Corporate Fiduciary	
38 Ill. Adm. Code 900	.....14934

EMERGENCY RULES

BOARDS OF TRUSTEES OF ILLINOIS PUBLIC UNIVERSITIES	
Joint Rules Of The Illinois Public Universities: Procurement And Bidding	
44 Ill. Adm. Code 525, Repeal	.....14941
NUCLEAR SAFETY, DEPARTMENT OF	
Quality Standards and Certification Requirements for Facilities Performing Mammography	
32 Ill. Adm. Code 370	.....14972
UNIVERSITY OF ILLINOIS, THE BOARD OF TRUSTEES OF	
Joint Rules Of The Board Of Regents, The Board Of Governors Of State Colleges Universities, The Board Of Trustees Of The University Of Illinois, And The Board Of Trustees Of Southern Illinois University: Procurement And Bidding	
44 Ill. Adm. Code 535, Repeal	.....15018
Joint Rules Of The Board Of Regents, The Board Of Governors Of State Colleges Universities, The Board Of Trustees Of The University Of Illinois; The Board Of Trustees Of Southern Illinois University: Procurement And Bidding	
44 Ill. Adm. Code 540, Repeal	.....15021
Joint Rules Of The Board Of Regents, The Board Of Governors Of State Colleges Universities, The Board Of Trustees Of The University Of Illinois, And The Board Of Trustees Of Southern Illinois University: Procurement And Bidding	
44 Ill. Adm. Code 530, Repeal	.....15024

PUBLIC AID, DEPARTMENT OF	
Hospital Services	
89 Ill. Adm. Code 148	.....15027

NOTICE OF PUBLIC INFORMATION

FINANCIAL INSTITUTIONS, DEPARTMENT OF	
Notice Of Names Of Persons Appearing To Be Owners Of Unclaimed Property Whose Last Known Address Are In Certain States	.....15034

REGULATORY AGENDA

PROFESSIONAL REGULATION, DEPARTMENT OF	
The Barber, Cosmetology, Esthetics, And Nail Technology Act Of 1985	
68 Ill. Adm. Code 1175	.....15072
PUBLIC HEALTH, DEPARTMENT OF	
Structural Pest Control Code	
77 Ill. Adm. Code 830	.....15082

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of August 18, 1998	.....15101
Second Notices Received	.....15111

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:	
April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
July 20, 1998	31	July 31, 1998
July 28, 1998	32	Aug. 7, 1998
Aug. 3, 1998	33	Aug. 14, 1998
Aug. 10, 1998	34	Aug. 21, 1998
Aug. 17, 1998	35	Aug. 28, 1998
Aug. 24, 1998	36	Sept. 4, 1998
Aug. 31, 1998	37	Sept. 11, 1998
Sept. 8, 1998*	38	Sept. 18, 1998
Sept. 14, 1998	39	Sept. 25, 1998
Sept. 21, 1998	40	Oct. 2, 1998
Sept. 28, 1998	41	Oct. 9, 1998
Oct. 5, 1998	42	Oct. 16, 1998
Oct. 13, 1998*	43	Oct. 23, 1998
Oct. 19, 1998	44	Oct. 30, 1998
Oct. 26, 1998	45	Nov. 6, 1998
Nov. 2, 1998	46	Nov. 13, 1998
Nov. 9, 1998	47	Nov. 20, 1998
Nov. 16, 1998	48	Nov. 30, 1998
Nov. 23, 1998	49	Dec. 4, 1998
Nov. 30, 1998	50	Dec. 11, 1998
Dec. 7, 1998	51	Dec. 18, 1998
Dec. 14, 1998	52	Dec. 28, 1998
Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

*Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

1) Heading of the Part: Medicaid Community Mental Health Services Program

2) Code Citation: 59 Ill. Adm. Code 132

3) Section Numbers:
132.30
Proposed Action:
Amended

4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

5) A Complete Description of the Subjects and Issues Involved: Section 132.30 is being amended to delete subsection (h). Subsection (h) is in conflict with Section 132.91. Language in Section 132.91, adopted effective June 25, 1997 replaces Section 132.30(h). In addition, the address for the Department of Human Services' office identified in subsection (c) has been changed to reflect the office's current title.

Note: This rulemaking was recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321, effective July 1, 1997.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking is not impacted by the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or arguments regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building
Springfield IL 62762
Telephone (217)785-9772
TTY (217)557-1547

A) Types of small businesses, small municipalities and not for profit corporations affected: Private agencies that provide Medicaid community mental health services program.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: No special skills needed.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132

MEDICAID COMMUNITY MENTAL
HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Purpose
132.10	Incorporation by reference
132.15	Clients' rights and confidentiality
132.20	Definitions
132.25	Application and certification process
132.30	Recertification and reviews
132.35	Certification for additional Medicaid community mental health services and/or new site(s)
132.40	
132.45	Suspension of certification
132.50	Termination of certification
132.55	Certification appeal criteria and process
132.60	Rate setting

SUBPART B: PROVIDER ADMINISTRATIVE REQUIREMENTS

Section	
132.65	Organizational structure
132.70	Personnel and administrative recordkeeping
132.75	Program evaluation
132.80	Fiscal and statistical
132.85	Recordkeeping
132.90	Provider site(s)
132.91	Accreditation

SUBPART C: UTILIZATION REVIEW AND CONTINUITY OF SERVICES

Section	
132.95	Utilization review
132.100	Clinical records
132.105	Continuity and coordination of services
132.110	Availability of services (Repealed)

SUBPART D: CLINIC SERVICES

Section	
132.115	Provisions
132.120	Service needs evaluation
132.125	Treatment plan development and modification

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

132.130	Psychiatric treatment
132.135	Crisis intervention
132.140	Day treatment

SUBPART E: REHABILITATIVE SERVICES

Section	Provisions
132.145	Rehabilitative mental health services
132.150	Family intervention, stabilization and reunification services
132.155	

SUBPART F: CASE MANAGEMENT SERVICES

Section	Provisions
132.160	Mental health case management services
132.165	Rehabilitative case management
132.170	

APPENDIX A	Medicaid Community Mental Health Services Application Components
APPENDIX B	Utilization Parameters

TABLE A	Mental Health Clinic Program Client Services
TABLE B	Rehabilitative Mental Health Services
TABLE C	Family Intervention, Stabilization and Reunification Services

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 132.30 Application and certification process

- a) Any agency having a contract with the Department, DCFS or DOC for provision of mental health services, with DCFS for the provision of child welfare services or youth services or with DOC for the provision of youth treatment, rehabilitative or transitional services may apply for certification as a provider. Successful applicants will be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

certified by the Department or DCFS and enrolled as a provider in the Illinois medical assistance program by the Department of Public Aid pursuant to 89 Ill. Adm. Code 140.11.

- b) DCFS is authorized to perform the functions ascribed to the Department in this Section and Sections 132.35 through 132.55, in relation to human service agencies contracting with DCFS or DOC as specified in subsection (d) of this Section.

- c) Applications may be obtained by submitting a request in writing to:

Department of Human Services
Accreditation, Licensure and Certification
Office-of-Accreditation-and-Licensure
405 Stratton Building
Springfield, Illinois 62765

or

Department of Children and Family Services
Office of Medicaid Certification
406 East Monroe Street
Springfield, Illinois 62701

- d) The applicant shall submit to the Department or DCFS a completed "Application for Certification of Community Medicaid Programs" with all necessary accompanying components in accordance with the following:

- 1) An applicant intending to contract under this Part solely with the Department for children and adolescents and/or adult Medicaid community mental health services shall submit its completed application to the Department; or
 - 2) An applicant intending to contract under this Part solely with DCFS or DOC for Medicaid community mental health services for children and adolescents shall submit its completed application to DCFS; or
 - 3) An applicant intending to contract under this Part with both the Department and DCFS for Medicaid community mental health services for children and adolescents shall submit its application to either the Department or DCFS; or
 - 4) An applicant intending to contract under this Part with the Department, DCFS or DOC for Medicaid community mental health services for children and adolescents and with the Department for adult Medicaid community mental health services shall submit its completed application to the Department.
- e) At the discretion of the Department or DCFS, agencies submitting applications which have all components attached may be certified in accordance with the procedures outlined in either subsection (f) or (g) of this Section.
- f) For applications that have attached to them, at a minimum, a staffing

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

roster, evidence of compliance with State and local ordinances and codes relating to fire safety for all site(s) where Medicaid reimbursable services are being provided, documentation of compliance from a licensed plumber and electrician that any structure to be used as a site is in compliance with the codes and standards pertaining to the licensing and regulation of plumbers and the National Electrical Code (see Section 132.90) and a copy of the applicant's financial audit for the last fiscal year if it is not on file with the Department or DCFS, the Department or DCFS shall conduct an on-site review within 40 working days after the receipt of the application.

- 1) The on-site review shall determine compliance with Level I and Level II requirements of this Part. The applicant shall demonstrate full compliance with the following Level I requirements:

- A) Section 132.80;
- B) Section 132.85;
- C) Section 132.90;
- D) Section 132.95;
- E) Section 132.100(a), (c), (d), (e), (h) and (i);
- F) Section 132.105;
- G) Section 132.115;
- H) Section 132.120(a), (b), (c), (e), (g), (h) and (i);
- I) Section 132.125(a), (d), (e), (f) and (h);
- J) Section 132.130;
- K) Section 132.135(a)(1), (a)(2), (a)(4), (b)(1), (b)(2)(A), (b)(2)(D) and (c)(1);
- L) Section 132.140 (a) through (c)(1);
- M) Section 132.145(a)(2), (a)(3), (a)(4), and (a)(5);
- N) Section 132.150(a), (b), (c)(1), (c)(2), (c)(3), (c)(5) through (c)(9), (d)(2), (d)(4) through (d)(9), (e)(1) through (e)(5), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), (f)(8), (g), (h), (i), (j), (k), (l), (m) and (n);
- O) Section 132.155(a), (b), (d)(2) through (d)(8), (e)(3), (e)(4), (e)(5), (e)(7), (e)(8), (f), (g)(1), (g)(2), (g)(4), (h), (i)(1), (i)(3), (j)(1), (j)(3), (k)(1), (k)(4), (l)(1) and (l)(4);
- P) Section 132.160;
- Q) Section 132.165; and
- R) Section 132.170(a), (b), (d)(1), (d)(3), (e)(1) and (e)(3).

- 2) All requirements not identified in subsection (f)(1) of this Section are deemed Level II requirements with which the applicant shall demonstrate substantial compliance.
- 3) For Section 132.90, the applicant's site(s) on which the Medicaid community mental health program services are offered shall be reviewed for compliance with applicable federal, State, and local laws and ordinances pertaining to safety and accessibility. For

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the program specific Subparts, a review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records from the applicant's Medicaid-eligible clients. In the event the 10 records of Medicaid-eligible clients are not available, the sample will consist of all available Medicaid-eligible client records.

4) If the on-site review confirms compliance with the requirements of this Part as specified in subsections (f)(1) and (2) of this Section, the Department or DCFS shall issue a letter of certification within 20 working days from the date of completion of the on-site review and send the Medicaid enrollment forms to the applicant. Certification shall be effective the date of the first day of the on-site review.

5) If the on-site review does not confirm compliance with the requirements of this Part as specified in subsections (f)(1) and (2) of this Section, the Department or DCFS shall report deficiencies to the applicant in an exit conference. The Department or DCFS shall also issue to the applicant, within 40 working days, a notice of deficiencies enumerating those standards of this Part with which the applicant is not in compliance. The Department or DCFS may certify a provider for participation in the program at the conclusion of the exit conference, if the applicant agrees in writing to correct all Level I deficiencies.

A) The certified provider shall submit a plan of correction for the deficiencies within 25 working days after the date of the postmark on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time-frames for implementation of the action. Time-frames for implementation of action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented. Applicants required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

B) The Department or DCFS shall notify the certified provider within 20 working days after receipt and approval of the plan of correction. Providers whose certification is continued based on the Department's or DCFS' approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part.

C) If the plan of correction does not effectively address the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

action which has been or will be taken to meet the standards for compliance, the Department or DCFS shall notify the certified provider within 20 working days. The certified provider shall resubmit an acceptable plan of correction within 10 days after the notice or the Department or DCFS shall act to suspend or terminate certification.

D) If the certified provider fails to respond to the notice of deficiencies within 25 working days after the postmark date on the notice of deficiencies with a plan of correction, the Department or DCFS shall act to suspend or terminate certification.

g) Applications which have attached to them all components identified in Section 132. Appendix A shall be reviewed for compliance with this Part. Applications missing any components will not be accepted as complete and the time-frames of this Section pertaining to applications shall not apply. The applicant shall be notified in writing of missing components within 20 working days after the receipt of the application. The applicant shall submit any missing components within 25 working days after receipt of the written notification. Applications still missing components at this time shall be returned to the applicant.

1) If the application components are in compliance with this Part, the Department or DCFS shall issue a letter of certification and within 20 working days after having received the application and send the Medicaid enrollment forms to the provider. The effective date of certification shall be the date the review of the application was completed.

2) If the application includes all of the components, but one or more of the components is not in compliance with this Part, the applicant shall be notified in writing within 20 working days after receipt of the completed application of identified deficiencies. The applicant shall submit corrected documentation or an acceptable plan of correction for these deficiencies within 25 working days after the postmark date on the notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time-frames for implementation of the action. If the applicant does not respond with a plan of correction within the 25 working days, the application will be considered withdrawn and returned to the applicant.

3) Upon receipt and approval of the corrected documentation or the plan of correction for the identified deficiencies, the Department or DCFS shall notify the applicant and issue a letter of certification and send the Medicaid enrollment forms to the applicant. The effective date of certification shall be the date on which the corrected documentation is approved or the plan of correction is implemented except when deficiencies relate to major structural deficiencies as explained in subsection

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(g)(4)(D) of this Section.

- 4) The Department or DCFS shall schedule an on-site review to verify compliance with this Part within six months after initial certification when certification has been issued based solely on a review of the application components specified in Section 132.Appendix A.

A) The on-site review shall determine compliance with Level I and Level II requirements of this Part. The applicant shall demonstrate full compliance with the following Level I requirements:

- i) Section 132.80;
- ii) Section 132.85;
- iii) Section 132.90;
- iv) Section 132.95;
- v) Section 132.100(a), (c), (d), (e), (h) and (i);
- vi) Section 132.105;
- vii) Section 132.115;
- viii) Section 132.120(a), (b), (c), (e), (g), (h) and (i);
- ix) Section 132.125(a), (d), (e), (f) and (h);
- x) Section 132.130;
- xi) Section 132.135(a)(1), (a)(2), (a)(4), (b)(1), (b)(2)(A), (b)(2)(D) and (c)(1);
- xii) Section 132.140;
- xiii) Section 132.145(a)(1) through (a)(5);
- xiv) Section 132.150(a), (b), (c)(1), (c)(2), (c)(3), (c)(5) through (c)(9), (d)(2), (d)(4) through (d)(9), (e)(1) through (e)(5), (f)(1), (f)(2), (f)(4), (f)(6), (f)(7), (f)(8), (g), (h), (i), (j), (k), (l), (m) and (n);
- xv) Section 132.155(a), (b), (d)(2) through (d)(8), (e)(3), (e)(4), (e)(5), (e)(7), (e)(8), (f), (g)(1), (g)(2), (g)(4), (h), (i)(1), (i)(3), (j)(1), (j)(3), (k)(1), (k)(4), (l)(1) and (l)(4);
- xvi) Section 132.160;
- xvii) Section 132.165; and
- xviii) Section 132.170(a), (b), (d)(1), (d)(3), (e)(1) and (e)(3).

B) All requirements not identified in subsection (g)(4)(A) of this Section are deemed Level II requirements with which the applicant shall demonstrate substantial compliance.

C) The provider's site(s) on which Medicaid community mental health program services are offered shall be reviewed for compliance with applicable federal, State, and local laws and ordinances pertaining to safety and accessibility. For the program specific Subparts, a retrospective review of a sample of Medicaid-eligible client records shall be conducted. Such sample shall consist of a minimum of 10 records of the provider's Medicaid-eligible clients. In the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

event that 10 Medicaid-eligible client records are not available, the sample will consist of all available Medicaid-eligible client records.

D) If the on-site review verifies compliance with the requirements as specified in subsections (g)(4)(A) and (B) of this Section, the Department or DCFS shall issue a letter of verification within 20 working days from the date of completing the on-site review.

E) If the on-site review does not verify compliance with the requirements of this Part as specified in subsections (g)(4)(A) and (B) of this Section, the Department or DCFS shall report deficiencies to the provider during an exit conference. The Department or DCFS shall also issue, within 20 working days after the on-site review, a notice of deficiencies to the provider enumerating those standards of this Part with which the provider is not in compliance.

F) The provider is required to submit a plan of correction for the deficiencies within 25 working days after the postmark date on the written notice of deficiencies. The plan of correction shall identify the actions that have been, or will be, taken in order to come into compliance with this Part and the time-frames for implementation of the action. Time-frames for implementation of action shall not exceed three months except when deficiencies relate to major structural deficiencies related to physical accessibility of the site(s) for persons with disabilities. In such instances, implementation must occur before the end of the next complete State fiscal year following the fiscal year during which the deficiency was first documented in writing. Providers required to correct deficiencies related to physical accessibility may be certified in the interim upon effecting measures to reasonably accommodate persons with disabilities.

G) If the provider fails to respond to the notice of deficiencies within 25 working days after the postmark date on the notice of deficiencies with an acceptable plan of correction, the process to suspend or terminate shall be initiated.

H) The Department or DCFS shall notify the provider and, within 20 working days after receipt and approval of the plan of correction, shall issue a letter approving continuation of the certification period. Providers certified based on the Department's or DCFS' approval of their plan of correction shall be liable for any claims disallowed due to non-compliance with this Part.

h) Applicants--which--are--fully--accredited--by--the--Joint-Commission-on-Accreditation--of--Healthcare--Organizations--or--the--Commission--on-Accreditation--of--Rehabilitation--Facilities--{Standards--Manual--for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Organizations--Serving--People--with--Disabilities--(Commission-on-Accreditation-of-Rehabilitation-Facilities--101--North--Wilmot--Road-- Tucson--Arizona--85711--(1992))--or--the--Council--on--Accreditation--of-- Services--for--Families--and--Children--Inc--(Manual--for--Agency Accreditation--of--Council--on--Accreditation--of--Services--for--Families--and-- Children--Inc--7-520-8th-Avenue--Suite--2202B--New-York--New-York--10018-- (1992))--or--the--Accreditation--Council--on--Services--for--People--with-- Developmental--Disabilities--(Standards--for--Services--for--People--with-- Developmental--Disabilities--(Standards--for--Services--for--People--with-- People--with--Developmental--Disabilities--0100--Professional--Place--Suite-- 2047--Bandover--Maryland--20785--(1998))--or--for--applicants--licensed--by-- the--Department--at--77-111--Adm--Code--2058--(Bicensure--of--Alcoholism--and-- Substance--Abuse--Treatment--Intervention--and--Research--Programs)--shall-- not--have--the--standards--specified--in--Sections--132-657-132-70-and-132-75-- examined--during--the--on-site--review--but--are--required--to--comply--with-- all--of--the--standards--These--applicants--shall--not--have--standards--in-- Section--132-90--examined--during--the--on-site--review--for--any--site-- included--in--the--licensure--accreditation--process--but--are--required--to-- comply--with--all--of--these--standards--

h1) Initial certification shall be for a three-year period. Any changes during the certification period which affect the ability of the provider to deliver services in compliance with the requirements of this Part shall be reported to the Department or DCFS.

ij) When a decision is made to not certify an applicant, the applicant may appeal the decision and request a hearing in accordance with Section 132.55 of this Part and Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Personnel
- 2) Code Citation: 59 Ill. Adm. Code 104
- 3) Section Numbers: 104.20
Proposed Action: Repealed
- 4) Statutory Authority: Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues Involved: Section 104.20 is being replaced by 59 Ill. Adm. Code 50, Office of the Inspector General Investigations of Alleged Incidents of Abuse and Neglect in Community Agencies (59 Ill. Adm. Code 50), which was proposed at 22 Ill. Reg. 95. Note: This rule was recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321, effective July 1, 1997.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking is not impacted by the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Susan Warner Weir
Chief, Bureau of Administrative Rules
and Procedures
Department of Human Services
3rd Floor, Harris Building
Springfield, IL 62762
Telephone (217)785-9772
FAX (217)557-1547

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES
PART 104
PERSONNEL (REPEALED)

Section

- 104.10 Employee transactions with service recipients (Repealed)
- 104.20 Mistreatment of service recipients
- 104.30 Use or possession of intoxicants or narcotics by employees (Repealed)

AUTHORITY: Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and by Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Employee Transactions with Patients adopted August 2, 1978; amended at 2 Ill. Reg. 32, p. 81, effective August 5, 1978; amended at 4 Ill. Reg. 17, p. 230, effective April 15, 1980. Mistreatment of Patients adopted October 1, 1969. Use or Possession of Intoxicants or narcotics by employees adopted August 2, 1978; amended at 2 Ill. Reg. 32, p. 79, effective August 15, 1978; rules merged and codified at 5 Ill. Reg. 10719; amended at 9 Ill. Reg. 10762, effective July 1, 1985; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; repealed at 22 Ill. Reg. _____, effective _____.

Section 104.20 Mistreatment of service recipients

- a) Mistreatment of service recipients will not be condoned. Any employee found guilty will be subject to discharge.
- b) The Mental Health and Developmental Disabilities Code (405 ILCS 5) provides that any employee who is found guilty of mistreating any mentally ill or mentally retarded person, shall be fined, upon conviction, not less than \$500 nor more than \$1,000, or imprisoned not exceeding one year, or both (see Section 6-102 [405 ILCS 5/6-102]).
- c) Mistreatment of service recipients shall be defined as:
 - 1) Unnecessary or unreasonable use of force, or striking.
 - 2) Corporal punishment of any sort.
 - 3) Use of violent, profane or obscene language.
 - 4) Any willful failure to respond to a service recipient's obvious needs or to provide the supervision and care he should have.
 - 5) Infliction of any other mental or physical abuse.
 - 6) Willfully depriving a service recipient of any of his or her rights as provided under the Mental Health and Developmental Disabilities Code, Section 2-103: "Except to the extent that the superintendent of the hospital determines that it is necessary for the welfare of the patient to impose restrictions, every

A) Types of small businesses, small municipalities and not for profit corporations affected: None. Section 104.20 regulates employees of State-operated mental health and developmental disabilities facilities.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: Jan. 1998

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

hospitalized patient is entitled to receive visitors, send and receive mail and, to the extent facilities can reasonably be made available, make and receive telephone calls. Any limitations imposed by the superintendent of the hospital on a patient's rights, and the reasons for such limitations, must be made a part of his clinical record."

- d) All personnel shall be instructed upon beginning employment in attitudes toward service recipients, methods in care, handling and training of service recipients, and methods in protection of themselves in event of attack by service recipients and the penalties involved when found guilty of abuse of service recipients.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment

- 2) Code Citation: 89 Ill. Adm. Code 686

- | | |
|----------------------------|-------------------------|
| 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 686.25 | New Section |
| 686.250 | New Section |
| 686.260 | New Section |
| 686.270 | New Section |
| 686.280 | New Section |

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues involved: This amendment adds a new Section to Subpart A: Personal Assistants. This new material explains to the customers of the Home Services Program that they may require an applicant for employment by the customer as the P.A. to submit to a criminal background investigation, the cost of which will be paid by the Home Services Program. The decision to request a criminal background check is solely the customer's. Any information received is sent to the customer.

The amendments to the Homemaker Services Subpart were made to make this Subpart consistent with the Community Care Program requirements of the Department on Aging. Both DHS and DOA use many of the same Homemaker Service Providers and the need for consistency in reporting financial data was pointed out in recent compliance reviews. These amended Sections are the same as in place within DoA.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This does not affect units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Ms. Susan Weir, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Homemaker Services Agencies
- B) Reporting, bookkeeping or other procedures required for compliance:
Yes

- C) Types of professional skills necessary for compliance: Knowledge of Budgeting and Accounting

- 13) Regulatory Agenda on which this rulemaking was summarized: The amendment for Criminal Background Check was included in the January 1998 Regulatory Agenda. The amendments to Homemaker Services were not anticipated at the time of the development of the Regulatory Agenda in January 1998.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section
686.10
686.20
686.25
686.30
686.40

Personal Assistant (PA) Requirements
Services Which May Be Provided by a PA
Criminal Background Check
Annual Review of PA Performance
Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section
686.100
686.110
686.120
686.130
686.140

Adult Day Care (ADC) Provider Requirements
Services Which Must Be Provided by ADC Providers
Annual Compliance Review of ADC Providers
Appeal of Compliance Review for ADC Providers
Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section
686.200
686.210
686.220
686.230
686.240
686.250
686.260
686.270
686.280

Homemaker Service Provider Requirements
Services Which Must Be Provided by Homemaker Agencies
Annual Compliance Review of Homemaker Agencies
Appeal of Compliance Review for Homemaker Agencies
Payment for Homemaker Services
Financial Reporting of Homemaker Service
Unallowable Costs for Homemaker Service
Minimum Direct Service Worker Costs for Homemaker Service
Cost Categories for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section
686.300
686.310
686.320
686.330
686.340
686.350

Electronic Home Response Services (EHRS) Provider Requirements
Services Which Must Be Provided by EHRS Providers
Minimum Specifications for EHRS Equipment
Annual Compliance Review of EHRS Providers
Appeal of Compliance Review for EHRS Providers
Rate of Payment for EHRS Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section
686.400 Maintenance Home Health Provider Requirements
686.410 Rate of Payment for Maintenance Home Health Services

SUBPART F: HOME DELIVERED MEALS

Section
686.500 Home Delivered Meals Provider Requirements
686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

Section
686.600 Environmental Modification Provider Requirements
686.610 Cost of Environmental Modification
686.620 Permanency of Environmental Modification
686.630 Reason for Denial of Environmental Modification
686.640 Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section
686.700 Assistive Equipment Provider Requirements
686.710 Provision of Assistive Equipment
686.720 Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section
686.800 Respite Care Provider Requirements

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: PERSONAL ASSISTANTS

Section 686.25 Criminal Background Check

- a) A Home Services Customer may require any P.A. candidate to submit to a criminal background investigation and to successfully complete a criminal background investigation as a condition of being selected as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the P.A. to that Customer. The cost of the background investigation may be deducted from the amount that the Customer receives through the DHS Home Services Program.

- b) In the event that a Customer elects to require a P.A. candidate to submit to a criminal background investigation, the Customer shall be obligated only to inform DHS of his/her decision and DHS will provide the Customer an appropriate form that the Customer may file with the Illinois State Police to initiate the criminal background investigation. The results of the criminal background investigation will be sent directly to the Customer, and the Customer shall have no obligation to share the results of the investigation with DHS. Nothing contained herein shall restrict a Customer from extending a conditional offer of employment to any P.A. candidate pending the results of the background investigation.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART C: HOMEMAKER SERVICES

Section 686.250 Financial Reporting of Homemaker Service

- a) The Homemaker Agencies will be required to submit a cost report, the Direct Service Worker Cost Certification, as specified below. The report must be based upon actual, documented expenditures.

1) The report must be submitted annually, within 6 months after the end of the reporting period, and may be prepared as a part of the Homemaker Agency's annual audit.

2) The report may be on either a calendar year basis or the Homemaker Agency's fiscal year, however, once a Homemaker Agency has elected to base the report on a calendar or fiscal year, this election can be changed only upon written approval of the Department.

- b) The cost report must demonstrate that the Homemaker Agency has expended a minimum of 73% of the total revenues due from the Department, to include the client incurred expense, for Direct Service Worker costs as enumerated in Section 686.280.

c) The cost report shall identify the Homemaker Agency's expenditures for Direct Service Worker costs of Program Support costs, and Administrative costs as enumerated in Section 686.280.

d) The accuracy of the report must be attested to by an authorized representative of the Homemaker Agency.

e) The Department reserves the right to require the Homemaker Agency to engage an independent certified public accounting firm to verify the information and data submitted by the Homemaker Agency if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the Homemaker Agency's expense.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 686.260 Unallowable Costs for Homemaker Service

Certain costs shall not be considered by the Department in establishing a fixed rate of reimbursement for homemaker service:

- a) expenses resulting from transactions with related parties/parent organizations that are greater than the going market cost of the transactions to the provider;
- b) non-straightline depreciation;
- c) bad debts;
- d) special benefits to owners, including owner and key-man life insurance;
- e) compensation to non-working owners and officers;
- f) discounts, rebates, allowances, and charity grants offered by the agency;
- g) entertainment expenses;
- h) fund-raising;
- i) legal fees for litigation with governmental agencies;
- j) awards, grants and gifts to individuals;
- k) fines and penalties;
- l) contingency funds; and
- m) losses on other grants and contracts.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 686.270 Minimum Direct Service Worker Costs for Homemaker Service

- a) Homemaker Agencies are required to expend a minimum of 73% of the total revenues due from the Department, to include the client incurred expense, for Direct Service Worker costs, as enumerated in Section 686.280, during a reporting year.

- 1) This percentage is to be adhered to on a statewide basis.
- 2) The remaining 27% of the total revenues may be spent by the Homemaker Agencies at their discretion on Administrative or Program Support costs, also delineated in Section 686.280.

- b) Failure of the Homemaker Agency to meet the requirements in subsection (a) above may result in the following:

- 1) The Homemaker Agency will be required to submit a corrective action plan that shall include Homemaker Agency payments to current direct service workers in an amount that will, in total, bring the Homemaker Agency into compliance with the requirements in subsection (a) above. After the Department's review and approval of the corrective action plan, the Homemaker Agency shall implement and observe it.
- 2) Failure by the Homemaker Agency to submit and/or observe a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

corrective action plan shall result in the following Department sanctions:

- A) closure of intake (all or some contracts) for a period of time established by written notice to the provider; or
- B) termination (all or some contracts).

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 686.280 Cost Categories for Homemaker Services

Providers of homemaker service for which a fixed rate is established will provide for cost reporting based on the following categories:

- a) Direct Service Worker costs (costs paid to or on behalf of direct service workers) that may include:
 - 1) wages, time paid on behalf of the worker (i.e., vacation, sick leave, holiday and personal leave);
 - 2) health coverage, life insurance and disability insurance;
 - 3) retirement coverage;
 - 4) FICA;
 - 5) uniforms;
 - 6) worker's compensation;
 - 7) FUTA;
 - 8) travel time and travel reimbursement;
 - 9) unemployment insurance; and
 - 10) other costs approved, in advance, as direct service costs by the Department.
- b) Administrative Costs:
 - 1) personnel:
 - A) administrator;
 - B) assistant administrator;
 - C) accountant/bookkeeper;
 - D) clerical;
 - E) other office staff;
 - F) other personnel expenses;
 - 2) consultant:
 - A) auditors;
 - B) management consultants;
 - C) management fees from the parent organization;
 - D) other related consultant costs;
 - E) other consultant expenses;
 - 3) non-personnel:
 - A) office supplies;
 - B) office equipment (expense or depreciation based upon company policy);
 - C) telephone/telegaph;
 - D) conferences, conventions, meeting expenses;
 - E) subscriptions and reference materials;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- E) postage and shipping;
 G) advertising;
 H) outside printing and art work;
 I) membership dues;
 J) moving and recruiting;
 K) other general operating expenses;
 L) profit;
 4) occupancy:
 A) depreciation;
 B) amortization of leasehold improvements;
 C) rent;
 D) property taxes;
 E) interest;
 F) other related occupancy costs.

- C) Program Support Costs that include all allowable costs not specifically made a part of direct service costs or administrative costs. These may include:
 1) training expenses;
 2) malpractice insurance;
 3) direct service worker supervisor costs.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards and Licensure Requirements for Community-Integrated Living Arrangements
- 2) Code Citation: 59 Ill. Adm. Code 115
- 3) Section Numbers: Proposed Action:
 115.100 Amended
 115.120 Amended
 115.200 Amended
 115.205 New Section
 115.210 Amended
 115.215 Amended
 115.220 Amended
 115.230 Amended
 115.240 Amended
 115.250 Amended
 115.300 Amended
 115.310 Amended
 115.320 Amended
 115.321 Amended
 115.325 Amended
 115.410 Amended
 115.420 Amended
 115.430 Amended
 115.440 Amended
 115.450 Amended
 115.460 Amended
 115.470 Amended
 115.500 New Section
 115.510 New Section
 Appendix A Repealed

- 4) Statutory Authority: Implementing Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- 5) A Complete Description of the Subjects and Issues Involved: Part 115 is being amended to reflect current Department practices and to incorporate changes in the Health Care Worker Background Check Act [225 ILCS 46]. Specific changes made are: Adding Section 115.205, Respite services for persons with a developmental disability; coordinating definitions with other applicable Department rules; clarifying agency responsibility for training; incorporating the individual and his or her family more broadly into the team process; broadening the scope of sanctions available to the Department; reordering several Sections to better reflect the order of the application and licensure processes; giving greater oversight

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

responsibility to the Department for CILA services provided in foster care settings; modifying the geographic distance requirements to better reflect the variety of residential care available while recognizing reasonable distance requirements; providing for electronic recordkeeping and incorporating P.A. 90-414, effective January 1, 1998.

Sections 115.500 and 115.510 are being added to implement P.A. 89-31, which amended Section 9 of the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9], effective June 23, 1995. This legislation requires that the Department specify the components of reimbursement for community-integrated living arrangements in the Department's rules and include costs reported on the Interagency Statistical and Financial Report.

Note: This Part was recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321, effective July 1, 1997.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or arguments regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building
Springfield IL 62762
217/785-9772
TTY: 217/557-1547

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Private agencies that operate

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

community-integrated living arrangements licensed by the Department.

- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: No special skills needed.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS
TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICES

PART 115
STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section
115.100
115.110
115.120

Purpose
Incorporation by reference
Definitions

SUBPART B: SERVICE REQUIREMENTS

Section
115.200
115.205
115.210
115.215
115.220
115.230
115.240
115.250

Description
Respite services for persons with a developmental disability
Criteria for participation of individuals
Criteria for termination of services to individuals
Community support team
Interdisciplinary process
Medical services and medications
Individual rights and confidentiality

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section
115.300
115.310
115.320
115.325
115.330

Environmental management of living arrangements
Geographic location of community-integrated living arrangements
Administrative requirements
Application for waiver of the prohibition against employment
Monitoring and evaluation
Accreditation

SUBPART D: LICENSURE REQUIREMENTS

Section
115.400
115.410
115.420
115.430
115.440
115.450
115.460
115.470

Applicability
License application
issuing-a-license-and-period-of-license
Application acceptance and verification
license-application
Issuing a license and period of licensure
Application-acceptance-and-verification
License sanctions and revocation
Non-transferability-of-license
Non-transferability of license
Cessation-of-operations
Cessation of operations
License-revocation
Hearings

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS
SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section
115.500
115.510
APPENDIX A

Purpose
Rate components
Specific Level of Functioning Assessment and Physical Health Inventory (Repealed)

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 21434, effective November 29, 1993; amended at 21 Ill. Reg. 2205, effective February 1, 1997; amended at 21 Ill. Reg. 6085, effective May 5, 1997; amended at 21 Ill. Reg. 8332, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 8382, effective April 28, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 115.100 Purpose

- a) The purpose of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] is to license promote-voluntary licensure-of agencies to certify living arrangements integrated in the community in which individuals with a mental disability are supervised and provided with an array of needed services.
- b) The objective of a community-integrated living arrangement is to promote independence in daily living and economic self-sufficiency of individuals with a mental disability.
- c) Agencies planning to develop and support community-integrated living arrangements shall do so pursuant to Department licensure in accordance with this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.120 Definitions

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

precipitate--maladaptive--behavior--on-the-part-of-an-individual--Mental injury also includes exploitation--which is any--act--that uses--individuals--their--resources--or--their--possessions--for--an agency-employee's--personal--gain--or--for--an--agency's--benefit.

Verbal abuse means the use of words by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s), whether or not there is a psychological injury.

Psychological abuse means the use of signs, gestures or other actions by an employee toward or about and in the presence of an individual(s) which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual(s).

Exploitation means any act of forcing, compelling, coercing, or enticing an individual(s) to perform services for the advantage of another, with or without an injury.

Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another individual.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the following:

1998 1997 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1998 1996);

1997-1998 1997 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

For the purpose of this Part, the following terms are defined:

"Abuse." Any physical injury, sexual abuse or mental abuse injury inflicted on an individual other than by accidental means. (Section 1-101.1 of the Code)

Physical abuse means any direct physical mistreatment of an individual by an employee of a community agency, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without injury. Injury--includes all injuries--serious enough to require immediate medical treatment--by--a--physician--such--as--fractures--and--lacerations--which--require--suturing--and--all other injuries--which--because--of--the--circumstances--or--nature--of--the--injury--indicate--possible--abuse--or--neglect;

Sexual abuse means includes--but--is--not--limited--to any sexual penetration, molestation, or exploitation of an individual by an employee of an agency. or sexual conduct between an individual and another person--if--the--individual--has--been--adjudicated--legally disabled--or--has--a--guardian--or--is--unable--to--understand--the--nature--of--the--act--or--is--unable--to--give--knowing--consent--or--is injured--or--alleges--that--there--is--or--there--is--evidence--of--use--of force--coercion--or--the--exchange--of--money--or--anything--of--value--and

Sexual penetration means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

Sexual molestation means any intentional or knowing touching of fondling by one person, either directly or through clothing, of the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

Sexual exploitation means the sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

Mental abuse injury includes verbal abuse, psychological abuse or exploitation by an employee use--of--words--signs--gestures--or other actions--by--anyone--against--an--individual--which--intimidates--demeans--harasses--causes--emotional--anguish--or--distress--ridicules--threatens--harms--or--will--knowingly--incite--or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

60181, 1996);

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

1997 Personal Outcome Measures Outcome-Based-Performance-Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1997 1993);

Behavioral Health Standards Manual, CARF, The Rehabilitation Commission (Commission-on-Accreditation-of-Rehabilitation-Facilities-(CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1996);

Standards Manual and Interpretative Guidelines for Employment and Community Support Services, CARF, The Rehabilitation Commission (Commission-on-Accreditation-of-Rehabilitation-Facilities-(CARF), 4891 East Grant Road, Tucson, Arizona 85711, 1998 1996); or

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped, 15 West 65th Street, New York, New York, 10023, 1994).

"Agency." A community mental health or developmental services organization licensed by the Department which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit, which certifies community-integrated living arrangements for individuals with a mental disability. (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Agency supervision." Either continuous supervision or support or intermittent supervision or support as defined in this Section.

"ALAC." The Department's Accreditation, Licensure and Certification.

"Array of services." A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Aversive procedures." The application, contingent on the exhibition

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

"Certification." An affirmation by an agency that programs operated under this Part meet the Part's standards and provide services to promote community-integrated living.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Community-integrated living arrangement (CILIA)." A living arrangement certified by an agency where eight or fewer individuals with a mental disability reside together in a home under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Community integration" or "integration into the community." On-going participation in community life including at least the following:

The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.M.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.

Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.

"Community-support-team-(ESST)." Staff-responsible-for-providing-and-arranging-for-the-provision-of-services-specified-in-the-individual-integrated-services-plan-for-individuals-in-a-community-integrated living-arrangement--The-team-shall-be-composed-of-at-least-one qualified-mental-health-professional-or-qualified-mental-retardation professional--as-defined-in-this-Section--and-other-mental-health-and developmental-disabilities-staff-who-shall-provide-community-support services--in-the-individual's-home--or-in-other-community-locations where-learning-working-or-socialization-occur.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Consumer representatives." Persons chosen by individuals and representing the interests of individuals served by an agency such as family members, guardians and advocates.

"Continuous supervision or support." Direction or assistance provided to an individual under the auspices of the licensed agency on-site-at-the-hours-individuals-are-present. An employee from the licensed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

agency, or another agency through which any portion of CILA services is being provided, must be physically present. Continuous supervision or support may range from being in immediate line of sight to the individual receiving services, to present and accessible to the individual receiving services, depending on the individual's services plan.

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Developmental disability." *A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap.* (Section 1-106 of the Code)

"Department." The Department of Human Services.

"Diagnosis." A category of disability stated in accordance with either the Classification in Mental Retardation (American Association on Mental Retardation, 1719 Kalorama Road, N.W., Washington, D.C. 20009 (1992)), or the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994).

"Economic self-sufficiency." The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.

"Employee." Any person providing services at the direction of the owner or operator of the community agency on or off site. This includes anyone included on the agency payroll, contractors, subcontractors, and volunteers, regardless of number of hours or schedules worked or volunteered.

"Entitlements." Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or income, such as Title XVIII (Medicare) (42 U.S.C.A. 1395b-1 (1996)),

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Title XIX (Medicaid) (42 U.S.C.A. 1396a (1996)) and Veteran's Administration benefits (38 U.S.C.A. 521, 541, 542 (1996)).

"Equivalency." Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

"Family." The spouse and children and the mother, father, sister and brother of an individual.

"Foster care setting." *A living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis.* (Community-Integrated Living Arrangements Act)

"Governing body." The policy-making authority of an agency that establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the organization's mission.

"Guardian." The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

"Habitatation." *An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Habitatation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs.* (Section 1-111 of the Code)

"Imminent risk." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual(s) as would cause a reasonably prudent person to take immediate action and that is not immediately corrected, such as environmental or safety hazards. *A--situation-in-which-individuals being-supervised-by-an-agency-are-or-may-be-subject-to-illness--mental-or-physical-injury-and-which-is-not-immediately--correctable--such--as environmental-or-safety-hazards.*

"Independence in daily living." Demonstrated ability of an individual

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

to provide for his or her own basic care without outside assistance such as including-at-least-the-following:

Vocational development outside the living arrangement which enables individuals to participate in the workforce such as using on-the-jobs skills, riding a bus and crossing streets.

Personal care, i.e., maintaining own hygiene, personal space and social relationships.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.

"Individual" or "individuals." A person or persons who receives or receive community-integrated living arrangement services.

"Individual integrated services plan" or "services plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the development and implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

"Individual-record." Materials kept by an agency in the course of providing services to a mentally disabled individual who is receiving services in a community-integrated living arrangement concerning the individual and the services provided.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual's services plan.

"Interdisciplinary process." A set of steps or systems initiated to assess the a-mentally-disabled-individual's strengths and needs of an individual with a mental disability with input from the individual(s) individuals requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual's family, unless a legally competent individual chooses not to have the family involved or the family refuses to be involved, a qualified mental retardation professional or qualified mental health professional and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

other members of the community support team.

"Intermittent supervision or support." Supervision or support direction or assistance provided to an individual under the auspices of a licensed agency less than 24-hours per day. When employees staff are not on-site, supervision or support shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained. The qualified mental retardation professional, qualified mental health professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.

"Living arrangement." An apartment, private home, multi-unit dwelling or where an individual has chosen to live or where the individual's guardian has chosen for him or her to live.

"Mental disability" or "mentally disabled." A developmental disability, a mental illness, or both.

"Mental health professional (MHP)." A mental health professional who provides services under the supervision of a qualified mental health professional(s), as defined below, in providing services specified in Subpart B of this Part to an individual and his or her family, as necessary. The mental health professional must possess a bachelor's degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65] or have a minimum of five years of supervised experience in a mental health service.

"Mental illness." For purposes of this Part, mental illness refers to the target population of adults with serious mental illness (SMI), as established by the Department's Office of Mental Health as follows: A condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based on organic or physical disorders, and where the individual is assessed using form BMHDB-12157 "Specific Level of Functioning Assessment" and Physical and Health Inventory, (SOP) to be substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living, and work skills, and the disability specified is

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

expected-to-be-present-for-a-period-of-not-less-than-one-year-

Individuals with serious mental illness are adults whose emotional or behavioral functioning is so impaired as to interfere with their capacity to remain in the community without supportive treatment. The mental impairment is severe and persistent and may result in a limitation of their capacities for primary activities of daily living, interpersonal relationships, homemaking, self-care, employment or recreation. This impairment may limit their ability to seek or receive local, State or federal assistance such as housing, medical and dental care, rehabilitation services, income assistance and food stamps, or protective services.

The individual must have one of the following diagnoses that meets DSM-IV criteria and that is the focus of the treatment being provided:

- Schizophrenia (295.xx)
- Schizophreniform disorder (295.4)
- Schizo-affective disorder (295.7)
- Delusional disorder (297.1)
- Shared psychotic disorder (297.3)
- Brief psychotic disorder (298.8)
- Psychotic disorder NOS (298.9)
- Bipolar disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90)
- Cyclothymic disorder (301.13)
- Major depression (296.2x, 296.3x)
- Obsessive-compulsive disorder (300.30)
- Anorexia nervosa (307.1)
- Bulimia nervosa (307.51)

And the individual must meet the criteria for either treatment history or functional criteria as follows:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Treatment history. (Treatment history covers the client's lifetime treatment and is restricted to treatment for the DSM-IV diagnosis specified in this definition.) To qualify under treatment history, the individual must meet at least one of the following criteria:

Continuous treatment of six months or more, including treatment during adolescence, in one, or a combination of, the following modalities: inpatient treatment, day treatment or partial hospitalization;

Six months continuous residence in residential programming (e.g., long-term care facility or assisted, supported or supervised residential programs);

Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential programming within a 12-month period;

A history of using the following outpatient services over a one-year period, either continuously or intermittently: psychotropic medication management, case management, outreach and engagement services; or

Previous treatment in an outpatient modality, and a history of at least one mental health psychiatric hospitalization.

Functional criteria. (Functional criteria have been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairment.) To qualify under functional criteria, the individual must meet at least two of the following. The individual:

Has a serious impairment in social, occupational or school functioning;

Is unemployed or working only part-time due to mental illness and not for reasons of physical disability or some other role responsibility (e.g., student or primary caregiver for dependent family member); is employed in a sheltered setting or supportive work situation; or has markedly limited work skills;

Requires help to seek public financial assistance for out-of-hospital maintenance (e.g., Medicaid, SSI, other indicators);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Does not seek appropriate supportive community services, e.g., recreational, educational or vocational support services, without assistance;

Lacks supportive social systems in the community (e.g., no intimate or confiding relationship with anyone in his/her personal life, no close friends or group affiliations, is highly transient or has inability to co-exist within a family setting);

Requires assistance in basic life and survival skills (must be reminded to take medication, must have transportation to mental health clinic and other supportive services, needs assistance in self-care, household management, food preparation or money management, etc., is homeless or at risk of becoming homeless); or

Exhibits inappropriate or dangerous social behavior that results in demand for intervention by the mental health and/or judicial/legal system.

If the individual does not currently meet the functional criteria listed above, but is currently receiving treatment and has a history within the past five years of functional impairment meeting two of the functional criteria listed above that persisted for at least 12 months, and there is documentation supporting the professional judgment that regression in functional impairment would occur without continuing treatment, then the individual will be determined to have met the functional criteria.

"Mental retardation." The essential feature of mental retardation is significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, work, leisure, health, and safety. The onset must occur before age 18 years. (See DSM-IV.) Significantly-subaverage-general-intellectual-functioning-which-exists-concurrently-with-impairment-in-adaptive-behavior-and-which-originates-before-the-age-of-18-years--(Section-i-ii6-of-the-Code)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Natural environment." Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Neglect." Any act or omission by a community agency or facility or employee thereof that: Failure-to-provide-adequate-medical-or-personal-care-or-maintenance-which-failure-results-in-physical-or-mental-injury-as-clarified-in-the-definition-of-"Abuse"-in-this-Section)-to-an-individual-or-in-the-deterioration-of-an-individual's-physical-or-mental-condition--(Section-i-ii7-i-of-the-Code)

Fails to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted;

Endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether there is an injury;

Results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the agency has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults that are allegedly the result of employee or facility neglect; or

Results in any incident that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred, including:

Any unauthorized absence;

Any individual to individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity; or

Exploitation of an individual by another individual.

"Notice of violation." A report submitted to an agency by ALSC SAB listing the agency's deficiencies with this part noted during a survey.

"SAB."--The Department's Office of Accreditation andicensurer

"Pre-admission screening (PAS) agent." Contracted community agency acting as a Department agent to provide comprehensive documentation for Illinois' pre-admission screening system and to incorporate the

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

requirements imposed by the U.S. Health Care Financing Administration (HCFA) to support reimbursement claims under Title XIX of the Social Security Act (42 USCA 1396 (1996)).

"Plan of correction." A written plan submitted by an agency to AL&C O&A, in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.

"Progress notes." Narrative documentation in an individual's record of service provision and its relationship to the individual integrated services plan.

"Psychotropics." Drugs used for antipsychotic, antidepressant, antimanic and/or anti-anxiety purposes as listed in the AHFS 96 Drug Information (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda MD 20814, 1996), Drug Information for the Health Care Professional, USPDI, 17th edition (United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD 20852, 1997) or the Physician's Desk Reference (PDR) (Medical Economic Company (1996), published annually).

"Qualified mental health professional (QMHP)." One of the following:

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents;

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a individual's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65] with at least one year of clinical experience

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

in a mental health service or a individual's degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting; or

An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or

An individual possessing a individual's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling or family therapy, or related field, who has successfully completed a practicum and/or internship which includes a minimum of 1,000 hours, or who has one year of clinical experience under the supervision of a qualified mental health professional or who is a licensed social worker holding a individual's degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Qualified mental retardation professional (QMRP)." A QMRP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the Illinois Nursing Act of 1987;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a individual's degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meeting the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association;

A human services professional with a bachelor's degree in a human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services and supports that enable individuals with a mental illness or development disability to achieve defined outcomes in their lives. in order-to-identify-and-resolve-problems.

"Residence." See "living arrangement."

"Seclusion." Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. When an individual is placed in a behavior modification program pursuant to his or her integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Self-administration of medications." Understanding and taking An individual's--ability--to--correctly--take prescribed medications independently or with verbal prompts.

"Site." Any living arrangement under one continuous roof in which individuals receiving CILA services live.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

"Substantial compliance." An evaluation result that determines that a surveyed program or service meets the requirements set forth in this part, or, when deficient, the program has documented a plan of correction to rectify any deficiency, or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this part which an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and employees staff and observation of a sample of CILA sites etc. are also a part of the survey.

"Tardive dyskinesia." An abnormal involuntary movement disorder associated with the long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

"Time-out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

"Treatment." An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals. (Section 1-128 of the Code)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Waiver." An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: SERVICE REQUIREMENTS

Section 115.200 Description

a) A community-integrated living arrangement (CILA) is the supervised supportive services which promote residential stability for an individual who resides in his or her own home, in a home shared with others, or in the natural family home and who is provided with an array of services to meet his or her needs. The individual or guardian actively participates in choosing an array of services and in choosing a home from among those living arrangements available to the general public and/or housing owned or leased by an agency. If, over time, less intensive services are needed, the service array shall be changed rather than requiring the individual to move to a different setting unless specific services as funded and provided are no longer needed. If, over time, the individual needs more intensive services, the agency will make every effort to modify the service array rather than requiring the individual to move to a different setting. The services must continue to be able to be provided within the scope and resources of the CILA program. The individual may remain in his or her own home. Once accepted for service by an agency, termination of services may only occur by voluntary withdrawal of the individual or resulting from the recommendation of the interdisciplinary process and based on the criteria contained in Section 115.215.

b) Licensed CILA agencies technically agree to a no-decline option; however, the agency may decline services to an individual because it does not have the capacity to accommodate the particular type or level of disability (e.g., an agency that serves only individuals with autism) and cannot, after documented efforts, locate a service provider which has the capacity to accommodate the particular type or level of disability. No otherwise qualified persons shall be denied placement in a CILA solely on the basis of his or her physical disability. The CILA agency or service provider associated with such agency must provide a reasonable accommodation for such persons, unless the accommodation can be documented to cause the agency or other service provider an undue hardship or overly burdensome expense. Services shall be oriented to the individual and shall be designed to meet the needs of the individual and his or her family. Individuals are recognized as persons with basic human needs, aspirations, desires and feelings and are citizens of a community with all rights, privileges, opportunities and responsibilities accorded other

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

citizens. Only secondarily are they individuals who have a mental disability.

d) Based on their needs, individuals shall receive supervision and supportive services which may range from continuous to intermittent. CILAs shall be designed to promote independence in daily living, economic self-sufficiency and integration into the community.

e) The agency shall request in writing to the Department for approval to change the staffing model from the one funded and in use, i.e., from shift staff to family home, from family home to live-in support staff, in a CILA site. The Department shall review the request within 15 working days. The Department shall make its decision based on the needs of the individuals receiving services and the ability of the proposed staffing model to equally provide for their needs.

f) The agency shall have a plan and arrangements for providing relief for employees who have responsibility more than eight consecutive hours or five consecutive days for individuals receiving services, and shall have evidence of implementation of the plan and arrangements.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.205 Respite services for persons with a developmental disability

a) An individual with a developmental disability not currently receiving CILA services may be considered for a short term stay of no more than two consecutive weeks for respite services in an available CILA site only if:

- 1) The individual to be provided respite services meets the eligibility criteria as defined in Section 115.210;
- 2) The space to be used does not cause the applicable CILA site to exceed Department authorized physical capacity as defined by Section 115.300;
- 3) All individuals and/or guardians of the individuals residing in the home support and understand to the best of their ability the use of and the request for respite services;
- 4) Space used for respite services is not the space normally used by anyone regularly receiving services at this CILA site who is temporarily away;
- 5) The individual receiving respite services has bedroom space available for his or her use; and
- 6) The agency is requesting funding for respite services. The agency must receive written approval for respite services from the Department prior to placement of the individual in a CILA or within 48 hours after placement of the individual in a CILA for respite services on an emergency basis. The Department will respond to the request for respite services within 48 hours after receiving a request for emergency respite and within 14 days after receiving non-emergency requests.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) Prior to accepting an individual for respite services, an agency will determine to the best of its ability that the individual does not have any contagious disease or will not jeopardize in other ways the health and safety of the individuals living there.
- c) Requests for respite services needed for longer than two weeks must be reviewed and approved by the Department prior to the end of the first two week period. Such extensions will be considered only in emergency situations.
- d) Payment for respite services provided in CILA settings will be determined case by case and will depend upon the funding currently available for the setting.
- e) Guests (individuals not receiving CILA or respite services) of individuals living at the site may spend the night or weekend if that is agreeable to all other individuals with whom the home is shared. Such guests shall not be considered to be receiving respite services and shall not be subject to the requirements of this Part.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 115.210 Criteria for participation of individuals

- a) An individual receiving services served in a CILA shall be at least 18 years of age, have a mental disability and shall be in need of an array of services and a supervised living arrangement. If an agency does not have the capacity to accommodate the individual's particular type or level of disability, this does not render the individual ineligible for CILA services.
- b) The individual or guardian shall give informed consent to participate in a CILA, which shall be documented in the individual's record.
- c) The individual or guardian shall agree to participate in the development and implementation of the individual integrated services plan, which shall be indicated by the individual's or guardian's signature on the plan or a note describing why there is no such signature.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.215 Criteria for termination of individuals

- a) The community support team interdisciplinary--process shall consider recommending termination of services to an individual only if:
- 1) The medical needs of the individual cannot be met by the CILA program; or
 - 2) The behavior of an individual places the individual or others in serious danger; or
 - 3) The individual is to be transferred to a program offered by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

another agency and the transfer has been agreed upon by the individual, the individual's guardian, the transferring agency and the receiving agency; or and

- 4) The individual no longer needs CILA services.
- b) 4) Termination of services shall occur only if the termination recommendation has been approved by the Department.
- 1) b) Whenever individuals are required to be absent from a living arrangement for an extended period of time, an agency shall not consider termination of services unless the absence has been at least 60 days in duration and it is documented that the absence is expected to continue indefinitely. The Department reserves the right to terminate payment within the 60 days during which the individual is absent when it is clear that the individual will be unable to return to the CILA.

2) If an individual is to be away from his or her residence for an extended time period and the intent is that he or she will return to the residence, the licensed agency shall contact the Department in writing to request authorization for the absence.

A request for extension of the absence must be submitted to the Department at the end of 30 consecutive days and after 60 consecutive days. If the absence exceeds 90 consecutive days in duration, funding for CILA services for the individual will cease. Prior to the end of 30 consecutive days and again, prior to the end of 60 consecutive days, the agency shall receive approval from the Department for funding of a continued absence. The request shall be documented and forwarded to the attention of the Department for approval. The Department shall respond to each request within 14 days. Continued funding past 30 days will be determined according to Department guidelines and will consider, but not be limited to, the following:

- A) Services being provided to the individual by the agency during the absence;
- B) The continued likelihood of the individual being able to return to the site; and
- C) Continuing funding available to the agency to support the site.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.220 Community support team

Agencies licensed to certify CILAs shall provide for services through a community support team (CST).

- a) The CST shall consist of the OMHP or OMHP, as indicated by the individual's primary disability, the individual, and the individual's guardian or parent(s) (unless the individual is his or her own guardian and chooses not to have his or her parent(s) involved, or if

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the individual has a guardian and the guardian chooses not to involve the individual's parent(s) and employees staff providing direct services in the natural environment;

b) The CST shall be the central structure through which CILA services are provided to one or more individuals. The CST shall:

- 1) Be responsible for all service functions including assessment, planning, coordination and delivery;
- 2) Provide direct service in the natural environment or in other facilities, such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities when the facilities permit;
- 3) Help the individual to participate in the design of an array of community support services tailored to his or her needs;
- 4) Be responsible for providing or helping individuals to access the services specified in their plans; and
- 5) Be available to respond to an individual's needs on a 24-hour basis.

c) The CST shall be directly responsible for:

- 1) Modifying the services plan based on on-going assessment and recommendations;
- 2) Linking individuals to resources and services;
- 3) Advocating on behalf of individuals;
- 4) Providing informational, educational and advocacy services to family members;
- 5) Assisting individuals to select, obtain, and maintain CILAs which afford safety and basic comforts;
- 6) Participating with other direct service employees staff during stays in other environments such as State-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities; continuing in-facility contact, participating in the services plan development, and the on-going interdisciplinary process; providing on-going services to ensure the maintenance of the individual's living arrangement during these times such as paying the rent and utilities;
- 7) Assisting the individual in developing Developing natural community supports and fostering relationships with non-paid persons in the community, e.g., neighbors, volunteers and landlords;
- 8) Providing personal support and assistance to the individual in gaining access to vocational training, educational services, legal services, employment opportunities, and leisure, recreation, religion and social activities;
- 9) Providing assistance to the individual in obtaining health and dental services, mental health treatment and rehabilitation services (including physical therapy and occupational therapy), and substance abuse services;
- 10) Providing supportive counseling and problem-solving assistance on an on-going basis and at times of crisis;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 11) Assisting individuals with activities of daily living through skill training and acquisition of assistive devices;
- 12) Assisting the individual in accessing ~~Assessing~~ medication information including observing and reporting effects and side effects of prescribed medications;

13) Assisting the individual in accessing ~~Assessing~~ and providing training to obtain emergency medical services including State-operated facility services;

14) Providing assistance in money management, including representative payeeship, and applying for financial entitlements including assisting individuals to access the Department's home services program (89 Ill. Adm. Code: Chapter IV, Subchapter d); and

15) Assisting individuals to access transportation.

d) The agency shall provide or arrange for those services not indicated in subsection (c) of this Section, but identified in the individual integrated services plan as needed by the individual. If arranged, such services shall be documented in a written agreement between the licensed agency and the other service providers and shall minimally address training, services to be provided, quality assurance requirements and protection of the individual's rights. The agency shall remain responsible for insuring the quality of services and the protection of the individual's rights.

e) A CST member who is a QMRP or a QMHP shall be designated for each individual and shall:

- 1) Convene the CST as required by Section 115.230 to revise the services plan as part of the interdisciplinary process;
- 2) Assure that the services specified in the services plan are being provided;
- 3) Assure the participation of team members ~~the individual, the guardian, the family and necessary non-team member professionals unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;~~
- 4) Assure and document in the individual's record, at least quarterly, that the individual's residence meets environmental standards as specified in Subpart C of this Part;
- 5) Identify and address gaps in the service provision;
- 6) Monitor the individual's status in relation to the services plan;
- 7) Advocate for the individual's rights and services;
- 8) Facilitate individual linkage and transfer;
- 9) Provide for a written record of team meetings within 30 days after each team meeting;
- 10) Assure that information specified by the services plan is included in the individual's record;
- 11) Initiate and coordinate the interdisciplinary process as often as specified in the services plan or when required by problems or changes; and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Assure availability of a written services plan to all team members; and participants.

13) Work with the individual and parent(s) and/or guardian to convene special meetings of the CST when there are issues that need to be addressed as brought to the attention of the team by the individual, parent(s) and/or guardian.

f) A mental health professional may provide all services identified in subsections (e)(1) through (13) (12) except (1), (9), and (11) of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.230 Interdisciplinary process

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

a) Through the interdisciplinary process, the CST agency shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.

b) The following shall be included in the interdisciplinary process:

- 1) The individual or his or her legal guardian, or both;
- 2) Members of the individual's family unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;
- 3) Significant other(s) chosen by the individual;
- 4) The QMRP or the QMRP; and
- 5) Other members of the CST.

c) As needed to meet the individual's needs, the following shall be included in the interdisciplinary process:

- 1) Persons in addition to the CST who provide habilitation, treatment or training; and
- 2) Professionals who assess the individual's strengths and needs, level of functioning, presenting problem(s) and disability(s), service needs and who assist in the design and evaluation of the individual's services plan.

d) Upon the individual's entry into a CILA, the QMRP or the QMRP shall:

- 1) Document in the record those services being provided to the individual until an individual integrated services plan is developed; and
- 2) Explain all rights enumerated in Section 115.250 and document in the individual's record that this has been done.

e) The agency shall assure that each individual receives an initial assessment and reassessments that shall be documented in the individual's record and the results explained to the individual and guardian.

- 1) The assessments shall determine the individual's strengths and needs, level of functioning, the presenting problem(s) and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

disability(s), diagnosis and the services the individual needs. Assessments shall be performed by employees staff trained in the use of the assessment instruments.

3) Through the selection of the assessment instruments and the interpretation of results, all assessments shall be sensitive to the individual's:

- A) Racial, ethnic and cultural background;
- B) Chronological and developmental age;
- C) Visual and auditory impairments;
- D) Language preferences; and
- E) Degree of disability.

4) Initial assessment for individuals with a mental disability shall include:

- A) A physical and dental examination, both within the past twelve months, which shall include a medical history;
- B) Previous and current adherence to medication regime and the need for medication training;
- C) A psycho-social assessment including legal status, personal and family history, a history of mental disability and related services, evaluation of possible substance abuse, and resource availability such as income entitlements, health care benefits, subsidized housing and social services;
- D) An assessment with form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory." (SLOF) for individuals with a mental illness who--are mentally-iii-(see--Section--115-Appendix--A) and with the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1986) or the Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985) for individuals with a developmental disability who--are developmentally-disabled;
- E) An educational and/or vocational assessment including level of education or specialized training, previous or current employment, and acquired vocational skills, activities or interests;
- F) A psychological and/or a psychiatric assessment; both must be conducted for individuals with both a mental illness and a developmental disability;
- G) A communication screening in vision, hearing, speech, language and sign language; and
- H) Others as required by the individual's disability such as physical therapy, occupational therapy and activity therapy.

5) Annual reassessments for individuals with a mental disability shall include:

- A) A physical and dental examination including a review of medications;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) The SIOF for individuals with a mental illness who are ~~mentally-ill~~ or ICAP or SIB for individuals with a developmental disability who are developmentally-disabled;
- C) An annual psychiatric examination for individuals with mental illness;
- D) Other initially-assessed areas, as necessary.
- f) Within 30 days after an individual's entry into the CILA program, a services plan shall be developed that:
- 1) Is based on the assessment results;
 - 2) Reflects the individual's or guardian's preference as indicated by a signature on the plan or staff notes indicating why there is no signature and why the individual's or guardian's preference is not reflected;
 - 3) Identifies services and supports to be provided and by whom; and
 - 4) States goals and objectives. Objectives shall:
 - A) Be measurable;
 - B) Have timeframes for completion; and
 - C) Have an employee ~~a-person~~ assigned responsibility.
- g) The individual integrated services plan shall identify the CILA site chosen with the individual's and guardian's participation and shall indicate the type and the amount of supervision provided to the individual.
- h) The services plan shall address goals of independence in daily living, economic self-sufficiency and community integration.
- i) The services plan shall include the names and titles of all employees staff and other persons contributing to the plan.
- j) The services plan shall be signed by the QMRP and the QMHP and the individual or guardian.
- k) The individual and guardian shall be given offered a copy of the services plan.
- l) The services plan shall become a part of the individual's record.
- m) At least monthly, the QMRP and QMHP shall review the services plan and shall document in the individual's record that:
- 1) Services are being implemented;
 - 2) Services identified in the services plan continue to meet the individual's needs or require modification or change to better meet the individual's needs; and
 - 3) Actions are recommended when needed.
- n) The CST shall review the services plan as a part of the interdisciplinary process at least annually for individuals with developmental disabilities and semi-annually for individuals with mental illness and shall note progress or regression which might require plan amendment or modification.
- o) All services specified in the services plan, whether provided by an individual on the payroll staff of the licensed agency, consultants, or sub-contractors shall be provided by or under the supervision of a QMRP or a QMHP, as appropriate, based on the individual's primary disability.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- p) Through the interdisciplinary process the CST shall be responsible for determining an individual's ability to transition from continuous supervision or support to an intermittent level of supervision or support.
- 1) If a determination is made that the individual is appropriate for a less restrictive environment, documentation shall be included in the individual's plan identifying time frames for transition. The individual's QMRP or QMHP shall be responsible for monitoring the individual's transitional plan and for documenting the individual's progress toward intermittent supervision and supports.
 - 2) If a determination is made that an individual with a developmental disability is appropriate for intermittent supervision and supports, the PAS agency in conjunction with the provider agency must submit a completed CILA rate determination packet to the Department for development of a rate to support the intermittent supervision and supports.
 - 3) For individuals with a developmental disability, funding will remain at the individual's current level of funding for the first three months. At the end of the first three months, the QMRP or QMHP shall convene the CST to assess the individual's attainment of his or her goal for less restrictive supervision and supports. If the CST determines that the individual requires additional time to complete a successful transition, a request shall be made in writing to the Department for an extension not to exceed a total of six months. If the CST determines that the individual has not met, and is not likely to meet, his or her goal for less restrictive supervision and supports, the individual will continue to receive continuous supervision or support.
- q) An individual who requires continuous supervision or support indefinitely may stay alone or access the community independently under specific circumstances. The CST must determine that the individual has the ability and desire to stay alone safely for brief periods of time, or access specified locations in the community independently, or with supervision and support other than that provided by agency employees. The individual service plan must state the periods of time and restrictions on activities when at home, and locations and time frames for accessing the community. The individual will successfully complete an assessment demonstrating the skills necessary to assure his or her safety, and this must be part of the individual's record. This should occur only as part of the individual's habilitation/treatment process, and not to accommodate staffing concerns.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 115.240 Medical services and medications

When medical services and/or medications are provided, or their administration is supervised, by employees staff or consultants of the licensed agency, the licensed agency shall certify that they are provided or their administration is supervised in accordance with the Medical Practice Act and the Illinois Nursing Act. The agency shall additionally document:

- a) A physician shall be responsible for the medical services provided to individuals, and the medication management of individuals' medications ~~7-individuals~~.
- b) A licensed prescriber physician shall prescribe and monitor all prescription medications.
- c) A physician shall perform an examination of the individual prior to the initiation of psychotropic medications.
- d) Screening for and documentation of abnormal involuntary movements, including tardive dyskinesia, in individuals receiving prescribed psychotropics shall be completed at least every six months by personnel trained in performing this type of assessment.
- e) A physician shall review the medications prescribed and shall see the individual at least every six months, and every three months if psychotropic medications have been prescribed. Physician documentation within the individual's record shall include, but is not limited to, the following:
 - 1) Rationale for continuing current medications and/or initiating new medications; and
 - 2) Medication side effects.
- f) A physician or registered professional nurse shall review and approve:
 - 1) The ability of the individual to self-administer medications. Ability to self-administer medication shall be reassessed at least quarterly for individuals with mental illness (including those dually diagnosed with a mental illness and a developmental disability) and at least annually for individuals with a developmental disability; and
 - 2) The responsibility for, scope of and expected time frames for the individual's self medication training program.
- g) A psychiatrist shall either review psychotropic medications or be available for consultation when psychotropic medications have been prescribed.
- h) All medications are labeled.
- i) Individuals who are able to self-medicate--as--assessed--by--a physician shall have access to their medications.
- j) When agencies supervise the self-administration of medications or administer the medications, medications shall be secured from unauthorized access and only a physician, pharmacist, registered or licensed practical nurse or agency employee personnel authorized to supervise the self-administration of medications shall have access to medications.
- k) A physician or pharmacist shall be available to consult, at least

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

monthly, with the QMRP or QMHP in reference to staff's behavioral or other observations relating to the individual's level, dosage, and types of side effects from any prescribed medications.

- 1) A physician or pharmacist shall make available to employees service staff--professionals, family and individuals information on expected consequences, potential benefits and side effects of any prescribed medication.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.250 Individual rights and confidentiality

To insure that the individuals' rights are protected and that all services provided to individuals comply with the law, agencies licensed to certify CIAs shall assure ensure that:

- a) The rights of individuals shall be protected in accordance with Chapter 2 of the Code except that the use of seclusion shall not be permitted.
- b) The right of individuals to confidentiality shall be governed by the Confidentiality Act.
- c) Employees Staff shall inform individuals entering a CILA program of the following:
 - 1) Their rights in accordance with subsections (a) and (b) of this Section;
 - 2) Their rights to remain in a CILA unless the individuals voluntarily withdraw or meet the criteria set forth in Section 115.215;
 - 3) Their right to contact the Guardianship and Advocacy Commission, Equip for Equality, Inc., the Department's Office of Inspector General, the agency's human rights committee and the Department. Employees Staff shall offer assistance to individuals in contacting these groups giving each individual the address and telephone number of the Guardianship and Advocacy Commission, the Department's Office of Inspector General, the Department, and Equip for Equality, Inc.;
 - 4) This information shall be given to the individuals or guardians in writing in a language which they understand.
- d) Employee Staff advisement of the individual's rights and justification for any restriction of individual rights shall be documented in the individual's record.
- e) Every individual receiving in-a CILA services shall be free from abuse and neglect.
- f) Individuals or guardians shall be permitted to present grievances and to appeal adverse decisions of the agency and other service providers up to and including the authorized agency representative. The agency representative's decision on the grievance shall constitute a final administrative decision and shall be subject to review in accordance

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

with the Administrative Review Law [735 ILCS 5/Art. III].

- g) Individuals or guardians shall be permitted to purchase and use the services of private physicians and other mental health and developmental disabilities professionals of their choice, which shall be documented in the services plan.
- h) Individuals shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section 115.300 Environmental management of living arrangements

- a) For individuals who receive intermittent supervision and supports and choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall assist individuals in selecting, obtaining and maintaining CILAs which afford safety and basic comfort. Such assistance shall include, but is not limited to:

- 1) Performing visual inspections;
- 2) Purchasing and maintaining in working order safety devices, i.e., smoke detectors, door locks, when needed; and
- 3) Advocacy with the landlord to encourage compliance with applicable codes.

- b) For individuals who choose to reside in living arrangements owned or leased by an agency, the licensed agency shall insure that buildings containing owned or leased living arrangements shall comply with locally adopted building codes as enforced by local authorities and the applicable chapters of the editions of the NFPA 101, Life Safety Code (National Fire Protection Association, 1995), as cited in the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100 and any local fire codes that are more stringent than the NFPA as applicable as enforced by local authorities or the Office of the State Fire Marshal, if local authorities are unavailable. An agency shall make available the report of document that a formal request for an inspection that has been made by to the local authorities or to the Office of the State Fire Marshal prior to providing services to any individual in any opening a CILA site placement. Non-compliance may be shown by evidence of administrative or judicial action taken against the owner(s) of a building for violation(s) of the applicable housing code within the previous two months, or a letter indicating non-compliance with NFPA life/safety requirements from the local authorities or the Office of the State Fire Marshal.

- c) Each living arrangement shall meet standards as identified in local life/safety and building codes. Living arrangements specified in subsection (b) of this Section shall also meet the following

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

additional standards:

- 1) Each living arrangement shall have a smoke detection system which complies with the Smoke Detector Act [425 ILCS 65].
- 2) No more than eight individuals shall be served in any site living arrangement.
- 3) There shall be documentation that living arrangements are annually inspected quarterly by the licensed CILA agency to insure safety, basic comfort and compliance with this Part.
- 4) Bath and toilet rooms
 - A) At least one bathroom shall be provided for each four individuals. A bathroom shall include a toilet, lavatory, and tub or shower.
 - B) Bathrooms shall be located and equipped to facilitate independence. When needed by the individual, special assistance or devices shall be provided.
- C) Bathing and toilet facilities shall provide privacy.
- 5) Bedrooms
 - A) Each single individual bedroom shall have at least 75 square feet of net floor area, not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
 - B) Each multiple bedroom shall accommodate no more than two individuals and each bedroom for two individuals shall have at least 55 square feet of net floor area per individual not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
 - C) Storage space for clothing and other personal belongings shall be provided for each individual.
 - D) Each bedroom shall have:
 - i) Walls that extend from floor to ceiling;
 - ii) A fire-rated mattress and box spring that is suitable to the size of the individual which provides support and comfort, if beds are provided by the agency;
 - iii) At least one outside window; and
 - iv) Electrical light sufficient for reading (a minimum of 40 footcandles).
 - E) Bedrooms shall maintain a dry and comfortable environment.
 - F) In living arrangements where more than one individual resides, traffic to and from any room shall not be through an individual's bedroom.
- 6) The agency shall ensure that:
 - A) Living arrangements shall be safe and clean within common areas and within apartments over which the agency has control.
 - B) Living arrangements shall be free from vermin.
 - C) Waste and garbage shall be stored, transferred and disposed of in a manner that does not permit the transmission of diseases.
 - D) Private water systems shall comply with 77 Ill. Adm. Code

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

900 (Drinking Water Systems Code).
 E) Copies of inspections when performed by local and State inspectors in regard to health, sanitation and environment shall be maintained.

7) The agency shall develop, implement and maintain a disaster preparedness plan which shall be reviewed annually, revised as necessary, and ensure that:

- A) Records and reports of fire and disaster training are maintained;
- B) A record of actions taken to correct noted deficiencies in disaster drills or inspections is maintained;
- C) Employees Staff know how to react to fire, severe weather, missing persons, psychiatric and medical emergencies, poison control and deaths;
- D) Individuals know how to react to situations identified in subsection (c)(7)(C) of this Section or are receiving training;
- E) Employees Staff and individuals are trained in the location of fire-fighting equipment, first aid kits, evacuation routes and procedures; and
- F) A telephone is available with a list stating the telephone numbers of the nearest poison control center, the police, the fire department and emergency medical personnel.

8) The agency shall implement procedures for evacuation which ensure that:

- A) Evacuation drills are conducted at a frequency determined by the agency to be appropriate based on the needs and abilities of individuals served by the particular living arrangement but no less than once each quarter on each shift annually.
- B) Special provisions shall be made for those individuals who cannot evacuate the building without assistance, including those with physical disabilities and individuals who are deaf and/or blind.
- C) All personnel are trained to carry out their assigned evacuation tasks.
- D) Inefficiency or problems identified during an evacuation drill shall result in specific corrective action.
- E) Evacuation drills shall include actual evacuation of individuals to safe areas.
- 9) At least one approved fire extinguisher shall be available in the residence, inspected annually and recharged when necessary.
- 10) First aid kits shall be available and monitored regularly by the agency.

d) For individuals who receive continuous supervision and support and choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall ensure that the living arrangements comply with all the requirements

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

of subsection (c) of this Section except subsections (c)(4), (5), (6)(B), (6)(D), (7)(B), (7)(E) and (10).

e) Prior to any individual moving into a setting owned or leased by the agency or into a foster care setting, the site must be reviewed by ALAC and determined to be in compliance with this Part. All such settings will be reviewed at least once during the three year period of licensure to determine on-going compliance with this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.310 Geographic location of community-integrated living arrangements

a) CILA sites ~~EBAs~~ shall be located to enable individuals to participate in and be integrated into their community and or neighborhood. Homes shall be typical of homes in the community and residential or neighborhood and their inclusion should not appreciably alter the characteristics of the neighborhood.

b) CILA sites ~~EBAs~~ shall be located to promote integration of individuals with mental disabilities within the range of communities throughout the State, and to avoid concentrating individuals in CILAs in a neighborhood or community.

c) In counties with less than 500,000 population, CILAs owned or leased by an agency and funded by the Department shall not be located within a distance of 800 ~~17320~~ feet, measured via the most direct driving route ~~in any direction~~, from any other setting licensed or funded to provide residential services for persons with a developmental disability or mental illness ~~EBAs~~, unless written and approved local zoning regulations specifically allow CILAs to be located in such proximity to one another or other sites ~~closer together~~. In counties with populations over 500,000, a building with any CILAs owned or leased by an agency and funded by the Department shall not be located within 600 feet, measured via the most direct driving route ~~in any direction~~, from any building with any other setting licensed or funded to provide residential services for persons with a developmental disability or mental illness ~~EBAs~~ or ~~EBAs~~ owned or leased by an agency in those neighborhoods where 50% or more of the housing is multi-unit dwellings. No more than 8 individuals shall reside in CILAs owned or leased by an agency in each building. In all other neighborhoods in those counties, CILAs owned or leased by an agency and funded by the Department shall not be located within a distance of 800 ~~17320~~ feet, measured via the most direct driving route ~~in any direction~~, from any other setting licensed or funded to provide residential services for persons with a developmental disability or mental illness ~~EBAs~~.

d) Nothing in this Part shall be construed to interfere with the right of individuals with mental disabilities to choose where they rent or buy housing.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- e) If an agency requests a waiver of Section 115.310(c), the agency shall present to the Department its rationale for the waiver request, including evidence of efforts to comply with Section 115.310(c). The request must be submitted before the agency leases, purchases or takes possession of the property to be used as a CILA. The Department shall grant the waiver for the duration of the CILA if it determines that the granting of the waiver would meet the following criteria:
- 1) It is consistent with the goal of community integration of individuals with mental disabilities; and
 - 2) It is consistent with Section 115.310(a), (b) and (d).
- f) The Department shall issue a decision on waivers requested under subsection (d) of this Section within five working days after receipt of the written request.
- g) If the Department denies a waiver request, the agency may request a hearing in accordance with Section 115.470. At the hearing, the Department shall have the burden of proving that there was substantial evidence to support the decision to deny the waiver.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.320 Administrative requirements

- a) Governing body
- 1) Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences it administers.
 - 2) Each agency shall have provisions for obtaining input from consumers and/or consumer representatives to the governing body.
- b) Staffing
- 1) Mental health and developmental disabilities employees staff shall be licensed or certified as required by Illinois laws.
 - 2) When paraprofessional or untrained employees staff are used in direct services, they shall be supervised in the provision of services by professional employees staff.
- c) General program requirements
- Agencies funded by the Department shall meet the following general program requirements for all funded services:
- 1) Service setting

Services shall be provided in the setting most appropriate to the needs of and reflecting the preferences of the individual. This may include the individual's home, the agency, or the community. All settings shall be used innovatively in order to reach the target populations.
 - 2) Recordkeeping

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) Cumulative case records including an individualized service plan shall be maintained for each individual.
- B) The individualized service plan shall state the goal(s) for each individual. The individual shall be afforded the opportunity and encouraged to participate in goal/objective selection. Goals/objectives shall include timeframes specified by the agency's professional employees staff, in consultation with the individual and relevant collaterals. "Individualized service plan", as used herein, refers to and is equivalent to "individual treatment plan" and "individual habilitation plan".
- 3) Behavior management and human rights review

Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation. Agencies required to have behavior intervention and human rights review policies and procedures under licensure or certification standards shall continue to comply with those standards.

Abuse and neglect

Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws that shall include notification of the individual allegedly abused or neglected and his or her guardian or parent of the allegation within 24 hours after receiving the allegation.
- 5) Admission to programming
 - A) Agencies shall not discriminate in the admission to and provision of needed services to individuals on the basis of race, color, sex, religion, national origin, ancestry, or disability.
 - B) Admission policies and procedures shall be set forth in writing and be available for review.
- 6) Compliance with life safety standards and requirements

All program facilities shall be in compliance with applicable State licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements.
- 7) Personnel requirements
 - A) A licensed physician (MD or DO) shall assume medical and legal responsibility for medical services offered in any program, including prescription of medications.
 - B) All services shall be provided by appropriately trained employees staff, operating under the supervision of qualified clinical professionals.
- 8) Mandated services
 - A) Mandated services shall be provided according to the requirements as stated in the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/ Aftercare).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- B) The Department shall monitor the provision of mandated follow-up monitoring services as outlined in 59 Ill. Adm. Code 125.

9) Utilization review
Utilization review is the ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding the individual's assessment, eligibility for service and appropriateness of services rendered. Agencies shall engage in a utilization review process for all program services.

10) Visits to programs
The agency shall ensure that Department-authorized consumer interest groups shall be permitted, with the consent of individuals, to visit agencies and living arrangements owned or leased by an agency.

d) Direct service employee staff training

1) Direct service employees staff shall demonstrate competence in training areas listed in subsections (1)(A) through (M) of this subsection (d) receive training as a part of an orientation program. Employees staff without previous experience in direct service to individuals shall receive training and demonstrate competence prior to unsupervised responsibility for direct service unless trained employees personnel are on site and available for on-the-job training. Direct service employees staff who have completed training in the below mentioned areas, and demonstrated competence as documented in their employee personnel records, shall not be required to repeat that training as part of their orientation. Employees staff without demonstrated competence shall receive training until they can demonstrate competence in the following areas, as recorded in their employee personnel records. All direct service employees, regardless of staffing model, shall receive training and demonstrate competence as documented in their employee records in the training areas listed below.

- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
- B) Concepts of treatment, habilitation and rehabilitation including behavior management, normalization, age appropriateness and psycho-social rehabilitation depending on the needs of the individuals served or to be served;
- C) Safety, fire, and disaster procedures;
- D) Abuse, neglect and unusual incident prevention, handling and reporting;
- E) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Confidentiality Act;
- F) The nature and structure of the individual integrated services plan;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

G) The type, dosage, characteristics, effects and side effects of medications prescribed for individuals under the employee's care. The agency shall assure that direct service employees are sufficiently cross-trained in this area to provide coverage of all CILA sites during vacations and other employee absences;

H) Screening for involuntary muscular movement, which may be indicative of tardive dyskinesia;

I) Development and implementation of an individual integrated services plan;

J) Formal assessment instruments used and their role in the development of the services plan;

K) Documentation and recordkeeping requirements with reference to the services plan; and

L) Other training which relates specifically to the type of disability or treatment and intervention techniques being used specific to individuals living in CILAs geared toward assisting employees to staff execute objectives obtained in the services plans; and-

M) The techniques associated with monitoring and regulating hot water temperatures prior to and during an individual's use to ensure safe hand-washing, hair-washing, bathing and showering procedures.

2) After completion of training specified in subsection (C)(1) of this Section, each direct service employee staff-member shall participate in ongoing employee staff development activities as outlined in the agency's employee staff development plan.

3) All training shall be documented in each employee's personnel record and shall be readily available for review by Department supervisors.

4) The agency shall implement a written training plan which lists training to be offered to meet the requirements of this Part, and the methods used for completion of any required training, and the process used to determine competency.

e) Volunteer training

The agency shall provide an orientation and training program for volunteers specific to volunteer duties and shall provide staff supervision as necessary.

f) Quality assurance

1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.

2) The agency's quality assurance program shall be the basis for annually certifying to the Department that individuals are receiving appropriate community-based services consistent with their services plans, that all programs and services are supervised by the agency and comply with this Part.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- A) If a certified CIAA does not continue to meet standards, the agency shall correct deficiencies within 30 days; or
- B) If deficiencies in a certified CIAA cannot be corrected within 30 days, the agency shall withdraw certification of the CIAA program in question and notify the Department. The agency shall remain responsible for those individuals who live in or lived in the affected CIAA.

g) Unusual incidents

- 1) The agency shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the agency's management structure, up to and including the authorized agency representative. The agency shall ensure that employees staff demonstrate their knowledge of, and follow, such policies and procedures. Unusual incidents which shall include, but are not limited to, the following:

- A) Sexual assault;
- B) Abuse or neglect;
- C) Death;
- D) Physical injury;
- E) Assault;
- F) Missing persons;
- G) Theft; and
- H) Criminal conduct.

- 2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 [720 ILCS 5] to the local law enforcement agencies.

- 3) The agency shall ensure that suspected instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Facility Residents Reporting Act [210 ILCS 30/6.2]).

h) Individuals' records

- 1) The agency shall ensure the confidentiality of individuals' records in accordance with the Act and shall ensure safekeeping of all records against loss or destruction.

- 2) The agency shall maintain a chronological record for each individual. Records shall be located at the program site at which individuals are being served.

- A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.

- B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.

- C) When symbols or abbreviations are used, the agency shall provide a legend to explain them which shall be standardized throughout the agency.

- 3) On an individual's entry into the agency, the following information shall be obtained, recorded and updated as necessary

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

in the individual's record:

- A) Identifying information including name, date of birth, sex, race, social security number and legal status;
- B) The name, address and telephone number of the legal guardian or the person to be notified in case of an emergency;
- C) The language spoken or understood by the individual including, in the case of an individual who is hearing impaired, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
- D) Prescribed medications, reactions and side effects to medications, allergies to foods, other medications and substances;
- E) Physical and dental examinations, and medical history;
- F) Consent to receive emergency medical services; and
- G) Copies of the authorization for release of information.

- 4) The following shall be entered in the individual's record during the period of service:

- A) Written informed consent by the individual or guardian to participate in a CIAA;
- B) Prior service history;
- C) Initial assessment and individual integrated services plan, and reassessments, and individual integrated services plan as described in Section 115.230(f) through (o);
- D) Documentation of approval to use special procedures and the results of their use;
- E) Progress notes, which shall be entered chronologically and at least monthly, documenting the individual's involvement in and response to the services plan.

- 5) Electronic signature or computer-generated signature codes are acceptable as authentication of record content.

- A) In order for an agency to employ electronic signatures or computer-generated signature codes for authentication purposes, the agency board of directors must adopt a policy that permits authentication by electronic or computer-generated signature.

- B) At a minimum, the policy shall include adequate safeguards to ensure confidentiality of the codes, including, but not limited to, the following:

- i) Each user must be assigned a unique identifier that is generated through a confidential access code.

- ii) The agency must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

identifier, or that the identifier has otherwise been inappropriately used.

iii) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

iv) The agency must monitor the use of identifiers periodically and take corrective action as needed. The process by which the agency will conduct monitoring shall be described in the policy.

C) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:

i) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.

ii) The system must make an opportunity available to the user to verify that the document is accurate and the signature has been properly recorded.

iii) The agency must periodically sample records generated by the system to verify the accuracy and integrity of the system.

D) Each report generated by a user must be separately authenticated.

i) Financial and operational requirements
Agencies licensed to provide CILAs shall comply with Department rules regulating their contractual and financial relationship with the Department 59-III-Adm--Code-103-(Grants).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.321 Application for waiver of the prohibition against employment

a) Hiring of direct care employees personnel

An agency shall not knowingly hire or retain any person after January 1, 1998 1997 in a full-time, part-time or contractual direct care position if that person has been convicted of committing or attempting to commit one or more of the following offenses unless the applicant or employee obtains a waiver pursuant to subsections (i) through (l) of this Section (Section 25 of the Health Care Worker Background Check

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Act [225 ILCS 46/25]]:

1) Murder, homicide, manslaughter or concealment of a homicidal death (Sections 9-1 through 9-3.3 of the Criminal Code of 1961 [720 ILCS 5/9-1 through 9-3.3]);

2) Solicitation of murder and solicitation of murder for hire (Sections 8-1.1 and 8-1.2 of the Criminal Code of 1961 [720 ILCS 5/8-1.1 and 8-1.2]);

3) Kidnaping or child abduction (Sections 10-1, 10-2, 10-5 and 10-7 of the Criminal Code of 1961 [720 ILCS 5/10-1, 10-2, 10-5 and 10-7]);

4) Unlawful restraint or forcible detention (Sections 10-3, 10-3.1 and 10-4 of the Criminal Code of 1961 [720 ILCS 5/10-3, 10-3.1 and 10-4]);

5) Assault, battery or infliction of great bodily harm (Sections 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7 of the Criminal Code of 1961 [720 ILCS 5/12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.2, 12-4.3, 12-4.4, 12-6 and 12-7]);

6) Sexual assault or abuse (Sections 12-13, 12-14, 12-15 and 12-16 of the Criminal Code of 1961 [720 ILCS 5/12-13, 12-14, 12-15 and 12-16]);

7) Indecent solicitation of a child (Section 11-6 of the Criminal Code of 1961 [720 ILCS 5/11-6]);

8) Predatory criminal sexual assault of a child (Section 12-14.1 of the Criminal Code of 1961 [720 ILCS 5/12-14.1]);

9) Sexual exploitation of a child (Section 11-9.1 of the Criminal Code of 1961 [720 ILCS 5/11-9.1]);

10) Exploitation of a child (Section 11-19.2 of the Criminal Code of 1961 [720 ILCS 5/11-19.2]);

11) Child pornography (Section 11-20.1 of the Criminal Code of 1961 [720 ILCS 5/11-20.1]);

12) Endangering the life or health of a child (Section 12-21.6 of the Criminal Code of 1961 [720 ILCS 5/12-21.6]);

13) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53, repealed by P.A. 89-234, effective January 1, 1996]);

14) Abuse or gross neglect of a long-term care facility resident (Section 12-19 of the Criminal Code of 1961 [720 ILCS 5/12-19]);

15) Criminal neglect of an elderly or disabled person (Section 12-21 of the Criminal Code of 1961 [720 ILCS 5/12-21]);

16) Theft, financial exploitation of an elderly or disabled person, robbery or burglary (Sections 16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/16-1, 16-1.3, 16A-3, 18-1, 18-2, 19-1 and 19-3]);

17) Aggravated robbery (Section 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-5]);

18) Criminal trespass (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4]);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 19) Home invasion (Section 12-11 of the Criminal Code of 1961 [720 ILCS 5/12-11]);
- 20) ~~Arson~~ (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1]);
- 21) ~~Unlawful use of weapons or aggravated discharge of a firearm~~ (Sections 24-1 and 24-1.2 of the Criminal Code of 1961 [720 ILCS 5/24-1 and 24-1.2]);
- 22) Armed violence (Section 33A of the Criminal Code of 1961 [720 ILCS 5/33A]);
- 23) Heinous battery (Section 12-4.1 of the Criminal Code of 1961 [720 ILCS 5/12-4.1]);
- 24) Tampering with food, drugs or cosmetics (Section 12-4.5 of the Criminal Code of 1961 [720 ILCS 5/12-4.5]);
- 25) Aggravated stalking (Section 12-7.4 of the Criminal Code of 1961 [720 ILCS 12-7.4]);
- 26) Ritual mutilation and ritualized abuse of a child (Section 12-32 and 12-33 of the Criminal Code of 1961 [720 ILCS 5/12-32 and 12-33]);
- 27) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3]);
- 28) Vehicular hijacking and aggravated vehicular hijacking (Sections 18-3 and 18-4 of the Criminal Code of 1961 [720 ILCS 5/18-3 and 18-4]);
- 29) ~~Manufacture, delivery or trafficking of cannabis~~ (Sections 5, 5.1 and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1 and 9]); and
- 30) Delivery of cannabis on school grounds (Section 5.2 of the Cannabis Control Act [720 ILCS 550/5.2]);
- 31) Delivery of cannabis by a person at least 18 years of age to a person under 18 who is at least three years his or her junior (Section 7 of the Cannabis Control Act [720 ILCS 550/7]); and
- 32) ~~Manufacture, delivery or trafficking of controlled substances~~ (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substances Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407 and 407.1]).

b) Definitions

For the purposes of this Section, the following terms are defined:

"Applicant." A person seeking employment with an agency who has received a bona fide conditional offer of employment. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Conditional offer of employment." A bona fide offer of employment by an agency to an applicant, which is contingent on the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

subsections (a)(1) through (32) ~~and~~ of this Section. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Direct care." The provision of nursing assistance with meals, dressing, movement, bathing, or other personal needs of maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of maintaining a private, independent residence or who is incapable of managing his or her person whether or not a guardian has been appointed for that individual. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Initiate." The obtaining of the authorization for a record check from a student, applicant, or employee. The provider shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15])

"Nurse Aide Registry." The registry of nurse aides kept by the Department of Public Health pursuant to Section 3-206.01 of the Nursing Home Care Act [210 ILCS 45/3-206.01].

"UCIA" The Uniform Conviction Information Act [20 ILCS 2635].

c) Nurse Aide Registry

For all applicants for nurse aide positions, the agency shall check the Nurse Aide Registry to determine the date of the applicant's last UCIA criminal history record check. If it has been more than one year since the records check, the agency must initiate or have initiated on its behalf a UCIA criminal history record check for the nurse aide. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])

d) Conditional offers

Effective January 1, 1996, if the agency makes a conditional offer of employment to an applicant other than a nurse aide who is not exempt under subsection (m) of this Section for a direct care position, the provider shall initiate or have initiated on its behalf a UCIA criminal history record check except as provided for in subsection (e)(2) of this Section. (Section 30(c) of the Health Care Worker Background Check Act [225 ILCS 46/30(c)])

e) Initiation of UCIA criminal history record check

1) By January 1, 1997 the agency must initiate a UCIA criminal history record check for all direct care employees who were hired before January 1, 1996, who have not already had a UCIA criminal

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

history record check and who are not exempt in accordance with subsection (m) of this Section. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30])

- 2) If the agency initiated a criminal background check on an employee hired after January 1, 1996 and before January 1, 1998, the agency does not need to initiate an additional criminal history record check to determine if the employee has a record of conviction of any of the offenses enumerated in subsections (a)(2), (7), (9) through (13), (17), (19), (22) through (28), (30), and (31) of this Section. (Section 25.1 of the Health Care Worker Background Check Act [225 ILCS 46/25.1])

- f) Request for UCIA criminal history record check
The agency shall request the UCIA criminal history record check in accordance with the requirements of the Department of State Police. (See 20 Ill. Adm. Code 1265.) The agency shall notify the applicant or employee of the following whenever a non-fingerprint UCIA Criminal History Record search is made. (Section 30 of the Health Care Worker Background Check Act [225 ILCS 46/30]):

- 1) That the agency shall request or have requested on its behalf a UCIA criminal history record check pursuant to the Health Care Worker Background Check Act;
- 2) That the applicant or employee has a right to obtain a copy of the criminal records report, challenge the accuracy and completeness of the report and request a waiver in accordance with subsection (j)(1) of this Section;
- 3) That the applicant, if hired conditionally, may be terminated if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) ¶4 of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (j)(1) of this Section;
- 4) That the applicant or employee cannot work in a direct care position while a waiver request is pending;
- 5) That the applicant, if not hired conditionally, shall not be hired if the criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) ¶4 of this Section unless the applicant's record is cleared based on a fingerprint-based record check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (j)(1) of this Section;
- 6) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsections (a)(1) through (32) ¶4 of this Section unless the record is cleared

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

based on a fingerprint-based records check pursuant to subsection (h) of this Section or the employee receives a waiver pursuant to subsection (j)(1) of this Section.

- g) Conditional employment
The agency may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act [225 ILCS 46/30(g)])
- h) Request for fingerprint-based UCIA criminal records check
An applicant, employee, or nurse aide whose UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses enumerated in subsections (a)(1) through (32) ¶4 of this Section may request that the agency commence a fingerprint-based UCIA criminal records check by submitting information in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265) within 30 days after receipt of the criminal records report to validate identity and clear one's record. (Section 35 of the Health Care Worker Background Check Act [225 ILCS 46/35])
- i) Eligibility for waiver
 - 1) An applicant, employee, or nurse aide may request a waiver of the prohibition against employment. (Section 40 of the Health Care Worker Background Check Act [225 ILCS 46/40])
 - 2) The Department may grant a waiver based on any mitigating circumstances, which may include but not be limited to:
 - A) The applicant's, employee's or nurse aide's age at the time that the crime was committed;
 - B) The circumstances surrounding the crime;
 - C) The length of time since the conviction;
 - D) The applicant or employee's criminal history since the conviction;
 - E) The applicant or employee's work history;
 - F) The applicant or employee's current employment references;
 - G) The applicant or employee's character references;
 - H) Nurse Aide Registry records; and
 - I) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents, recipients or clients. (Section 40(b) of the Health Care Worker Background Check Act [225 ILCS 46/40(b)])
- j) Application for waiver
 - 1) If the applicant, employee or nurse aide wishes to request a waiver, the request shall be submitted within 5 calendar days after receipt of the criminal records report. A complete waiver request shall include the following:
 - A) A statement specifying any mitigating circumstances (see subsection (i)(2) of this Section) the person believes are

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

relevant to the employment in question; and

- B) Either:
- i) Information necessary for the Department to obtain a fingerprint-based UCIA criminal records check, including a suitable set of fingerprints, in a form and manner prescribed by the Department of State Police (see 20 Ill. Adm. Code 1265), the fee for such a check (which shall not exceed the actual cost of the check) and the findings - of the required non fingerprint-based UCIA criminal records check conducted by the Department of State Police; or
 - ii) The report of the results of the fingerprint-based UCIA criminal records check done pursuant to subsection (h) of this Section.
- 2) Agency staff may assist the applicant, employee or nurse aide in completing the application.
 - 3) The waiver request shall be submitted to:

Accreditation, Licensure and Certification Office--of
Accreditation-and-Bicensure
 Department of Human Services
 405 Stratton Building
 Springfield IL 62765

k) Waiver decision

- 1) The waiver request shall be reviewed by a panel of Department staff. The Department shall return a decision to the applicant, employee, or nurse aide and the provider within 30 calendar days after receipt of the completed waiver request including receipt of a report from the State Police based on the fingerprint-based record check.
 - 2) The agency is not obligated to hire or offer permanent employment to an applicant or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act [225 ILCS 46/40(f)])
 - 3) The Department shall be immune from liability for any waivers granted. (Section 40(e) of the Health Care Worker Background Check Act [225 ILCS 46/40(e)])
- 1) Appeal of the decision
 - 1) The applicant, employee, or nurse aide may request further review of his or her request for a waiver within 30 calendar days after the receipt of the Department's denial of the waiver.
 - 2) The applicant, employee, or nurse aide may submit additional documentation of the mitigating circumstances.
 - 3) The appeal shall be submitted to:

Director Office-of-the-Secretary
 Division of Disability and Behavioral Health Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Human Services
 100 South Grand Avenue East 401-Stratton-Building
 Springfield IL 62762 62765

- 4) The Director Secretary shall act on the appeal within 30 calendar days after receipt of the appeal and shall issue a final decision granting or denying the waiver request.
- m) This Section shall not apply to:
 - 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law; or
 - 2) An individual employed or retained by the agency as defined by Section 15 of the Health Care Worker Background Check Act [225 ILCS 46/15] for whom a criminal background check is required by another law of this State. (Section 20 of the Health Care Worker Background Check Act [225 ILCS 46/20]);
- n) The agency shall send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for an individual employed as a nurse aide within 10 working days after receipt of the results. (Section 30(b) of the Health Care Worker Background Check Act [225 ILCS 46/30(b)])
- o) The agency shall retain on file for a period of five years records of criminal records requests for all employees. The files shall be subject to inspection by the AC&L Department's Office-of-Accreditation and-Bicensure. The agency shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. A fine of \$500 may be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act [225 ILCS 46/50])

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.325 Monitoring and evaluation

The agency shall agree to participate in a monitoring and evaluation system as described in the contractual agreement between the Department and the agency.

- a) Evaluation methodologies

Agencies shall develop evaluation methodologies that address the issues of the effective and efficient use of program resources; for example, quality assurance, utilization review, and professional services review organization. The agency shall also provide documentation of the implementation of these evaluation methodologies and demonstrate how the information gained through evaluation efforts is used in the planning process. The Department shall review and provide consultation in this evaluation effort.
- b) Monitoring

Monitoring is the review of the agency's compliance with contractual

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

obligations, applicable statutes and administrative rules and regulations insuring that Departmental funds are spent appropriately for services as specified in the contractual agreement. Monitoring may include desk review and site review of agency performance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: LICENSURE REQUIREMENTS

Section 115.410 License application Issuing a license and period of license

a) Forms

- 1) Agencies shall comply by completing obtain application forms available from to operate CILAs under this Part by writing to:

Accreditation, Licensure and Certification Office---of
 Accreditation and Licensure
 Department of Human Services
 405 Stratton Building
 Springfield, IL 62765

- 2) The application shall require agencies to certify that individuals being served and programs and services provided in CILAs comply with Section 4 of the Community-Integrated Living Arrangements Licensure and Certification Act, Chapter 2 of the Code, the Confidentiality Act and this Part. In addition, the application shall request information about:

- A) The agency, including the type of ownership, the names of all owners, partners and stockholders;
 B) The individuals being served or to be served in the CILAs supervised by the agency including their disability and diagnosis, the kind of supervision received and whether individuals are in living arrangements owned or leased by the agency. Also, the application shall require agencies to identify if individuals are visually or hearing impaired and/or non-ambulatory;
 C) The living arrangements used as CILAs sites CILAs including site addresses and telephone numbers.
 3) The authorized agency representative shall sign and date the application forms.

b) Fees

The Department shall charge a licensure fee up to \$200 as provided by Section 4(d) of the Community-Integrated Living Arrangements Licensure and Certification Act.

c) Renewal

On Department notification, each licensed agency shall submit a signed and dated renewal application at least 120 days prior to expiration of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

the license.

- 2) Agencies in substantial compliance with this Part shall be relicensed for an additional three-year period.
 3) If the Department does not approve an application for license renewal, it shall notify the applicant in writing 30 days prior to the expiration of the license.
 4) Notice of the Department's decision not to renew a license shall include a clear and concise statement of the reason on which the determination is based and notice of the opportunity for a hearing.

(Source: Former Section 115.410 renumbered to Section 115.430 and former Section 115.420 renumbered to Section 115.410 and amended at 22 Ill. Reg. _____, effective _____)

Section 115.420 Application acceptance and verification license application

- a) Applications for licensure or licensure renewal shall be deemed received by the Department on the postmarked date.
 b) The application shall include signature and date.

c) The Department shall notify an agency of any error or omission made in the submission of an application for licensure within 30 days. Failure of the Department to respond shall not constitute a waiver of the requirements. If the agency fails to respond to the notice within 30 days after the postmark date, the Department shall terminate the application process and notify the agency within 30 days.

d) The Department shall either approve or disapprove a completed application within 60 days after its receipt. If an application is incomplete, the Department shall notify the applicant of the status.
 e) The Department may verify information supplied in licensure applications.

f) The Department will not accept an application for a period of two years from an agency, or the principals of an agency now doing business under another name, when the original agency license was revoked or services were terminated while the agency was not in good standing.

(Source: Former Section 115.420 renumbered to Section 115.410 and former Section 115.430 renumbered to Section 115.420 and amended at 22 Ill. Reg. _____, effective _____)

Section 115.430 Issuing a license and period of licensure Application acceptance and verification

- a) On Upon receipt of a completed application and verification of the agency's compliance with this Part, the Department shall issue a license which will authorize agencies to certify that programs provided in CILAs comply with the Code, the Confidentiality Act and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

this Part. ~~the application shall include signature and date, and verification of the agency's compliance with this Part.~~

- b) The Department shall conduct surveys of licensed agencies and their certified programs and services. The Department shall review the records or premises, or both, as it deems appropriate for the purpose of determining compliance with the Community-Integrated Living Arrangements Licensure and Certification Act, the Code, the Confidentiality Act, and this Part.

1) The Department shall conduct scheduled surveys to determine compliance at the time of ~~initial licensure~~, license renewal, and ~~at least annually and may~~ shall conduct unscheduled surveys to investigate ~~allegations or~~ complaints.

2) Determination of compliance with the service requirements contained in Subpart B of this Part shall be based on a survey centered on the individual which samples services being provided.

3) Determination of compliance with the general agency requirements contained in Subpart C of this Part shall be based on a review of agency records and observation of individuals and staff.

- c) On ~~initial application to the Department, the Department may~~ issue a provisional license ~~temporary permit to an applicant for a one year six-month period to allow the holder of such license permit reasonable time to become eligible for a full license.~~ (Section 4(f) of the Community-Integrated Living Arrangements Licensure and Certification Act) During the provisional license period, the agency may be limited in the number of individuals it may serve and the number of sites it may supervise pending a determination of eligibility for full licensure.

d) If an agency requests a waiver of Section 115.310(c) the agency shall present to the Department its rationale for the waiver request including evidence of efforts to comply with Section 115.310(c). The request must be submitted before the agency leases, purchases or takes possession of the property to be used as a CILA. The Department shall grant the waiver for the duration of the CILA if it determines that the granting of the waiver would meet the following criteria:

- 1) It is consistent with the goal of community integration of individuals with mental disabilities; and
- 2) It is consistent with Sections 115.310(a), (b) and (d).
- e) The Department shall issue a decision on waivers requested under subsection (d) of this Section within five working days after receipt of the written request.

d) f) A licensee, other than the one-year provisional licensee, shall be valid for three years unless revoked in accordance with Section 4(e) of the Community-Integrated Living Arrangements Licensure and Certification Act.

- g) If the Department denies a waiver request, the agency may request a hearing in accordance with Section 115.470. At the hearing, the Department shall have the burden of proving that there was substantial evidence to support the decision to deny the waiver.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- e) Agencies found during a survey to be in substantial compliance with this Part shall be relicensed for an additional three-year period.

(Source: Former Section 115.430 renumbered to Section 115.420 and former Section 115.410 renumbered to Section 115.430 and amended at 22 Ill. Reg. _____, effective _____)

Section 115.440 License sanctions and revocation ~~Non-transferability of license~~

- a) The Department may revoke a license at any time if the agency:

1) Fails to comply with the service requirements identified in Subpart B of this Part;

2) Fails to comply with the general agency requirements identified in Subpart C of this Part;

3) Fails to correct deficiencies identified as a result of an on-site survey by the Department or fails to submit a plan of correction within 30 days of receipt of the notice of violation;

4) Submits false information either on Department forms, required certifications, plan(s) of correction or during an on-site inspection;

5) Refuses to permit or participate in a scheduled or unscheduled survey; or

6) Willfully violates any rights of individuals being served as identified in Chapter 2 of the Code or Section 115.250.

- b) The Department shall refuse to license or relicense an agency or shall deny or revoke a license if the owner and/or authorized agency representative or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.

c) CILA provider agencies, as a result of an on-site survey, shall be recognized according to levels of compliance with standards as set forth in this Part. Agencies with findings from Level 1 to Level 3 will be considered to be in good standing with the Department. Findings from Level 3 to Level 5 will result in a notice of violations, a plan of correction and defined sanctions. Findings resulting in Level 6 will result in a notice of violations and defined sanction. The levels of compliance are:

- 1) Level 1 - Full compliance with CILA standards.
- 2) Level 2 - Acceptable compliance with CILA standards. No written plan of correction will be required from the agency.
- 3) Level 3 - Partial compliance with CILA standards. An administrative warning is issued. The agency shall submit a written plan of correction.
- 4) Level 4 - Minimal compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a probationary license. A re-survey shall occur within 90 days.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 5) Level 5 - Unsatisfactory compliance with CILA standards. The agency shall submit a written plan of correction, and the Department will issue a restricted license. A re-survey shall occur within 60 days.
- 6) Level 6 - Revocation of the agency's license to provide CILA services. Revocation shall occur as a result of an agency's consistent and repeated failure to take necessary corrective actions to rectify documented violation(s), and/or the agency's failure to protect clients from situations that produce an imminent risk.
- d) Prior to initiating formal action to sanction a CILA licensee, Accreditation, Licensure and Certification (AL&C) will allow an organization an opportunity to take corrective action to eliminate or ameliorate a violation of this Part except in cases in which AL&C determines that emergency action is necessary to protect the public or individual interest, safety or welfare.
- e) Subsequent to an on-site survey, AL&C shall issue a written notice to an agency/organization. AL&C shall specify the particular Sections of this Part, if any, with which the agency is not compliant. AL&C's notice shall require any corrective actions be taken within a specified time period as required by this Part.
- f) If the Department does not approve an agency for license renewal or revokes a license, it shall notify the agency in writing of the opportunity for a hearing per Section 115.470.
- g) Sanctions will be imposed according to the following definitions:
- 1) Administrative warning - A written warning issued by AL&C that specifies rule violations requiring a written plan of correction with time frames for corrections to be made and a warning that any additional violation of this Part may result in more severe sanctions. (Level 3)
 - 2) Probation - Compliance with standards is minimally acceptable and necessitates immediate corrective action. Individuals' life safety or quality of care are not in jeopardy. The probationary period is time limited to 90 days. During the probationary period, the agency must make corrective changes sufficient to bring the agency back into good standing with the Department. Failure to make corrective changes within that given time frame may result in a determination to initiate more severe sanctions. The admission of new individuals shall be prohibited during the probationary period. (Level 4)
 - 3) Restricted license - An agency is sanctioned for unsatisfactory compliance. The admission of new individuals shall be prohibited during the restricted licensure period. Corrective action sufficient to bring the agency back into good standing with the Department must be taken within 60 days. During the restricted licensure period a Division monitor will be assigned to oversee the progress of the agency in taking corrective action. Depending on the severity of the violations, individuals may be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- moved from the CILA program, at which time funding for those individuals will cease until corrective action is taken. If corrective actions are not taken, the agency will be subject to more severe sanctions. (Level 5)
- 4) Revocation - Revocation of the license is withdrawal by formal actions of the CILA license. The revocation shall be in effect until such time that the provider submits a re-application and the agency can demonstrate its ability to operate in good standing with the Department. The Department has the right not to reinstate a license. If revocation occurs as a result of imminent risk, all individuals will be immediately removed from the CILA sites and all CILA funding will cease. (Level 6)
- 5) Financial penalty - A financial penalty may be imposed upon finding of violation in any one or combination of the provisions of this Part. In determining an appropriate financial penalty, the Department may consider the deterrent effect of the penalty on the organization and on other providers, the nature of the violation, the degree to which the violation resulted in a benefit to the organization and/or harm to the public and any other relevant factor to be examined in mitigation or aggravation of the organization's conduct. The financial penalty may be imposed in conjunction with other sanctions or separately.
- 6) Targeted license - An agency with multiple CILA sites may be sanctioned for non-compliance according to the performance of the respective sites. Failure of one site to comply may result in a sanction-level determination for the individual site and may not impact on the license of the parent agency. One exception to the foregoing shall be an agency's continuous administrative failure to implement corrective changes for a site in accordance with a finding of violations and stipulated time frames to come into compliance. The CILA license may be subject to more severe sanctions.
- 7) More severe sanctions may be imposed in situations where there are repeat violations.
- e) If the Department determines that a situation exists in a living arrangement other than those identified in Section 115.908(a) which is so serious that it subjects individuals to imminent risk of injury or physical injury as described in the definition of "Abuse" in Section 115.120, it shall immediately issue an order for removal of all the affected CILA and plan for the immediate removal of all individuals and/or revoke the license of the agency. The affected living arrangement shall not operate and shall not receive funding from the Department during the period of any appeal process.
- d) If an agency contests the Department's decision regarding licensure pursuant to subsections (a) or (b) or (c) of this Section, it can request a hearing pursuant to Section 115.470, by providing written notice. The Department shall notify the agency of the time and place of the hearing not less than 14 days prior to the hearing date.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

e) ~~if the agency does not provide written notice, the Department shall deny or revoke the license.~~

(Source: Former Section 115.440 renumbered to Section 115.450 and former Section 115.460 renumbered to Section 115.440 and amended at 22 Ill. Reg. _____, effective _____)

Section 115.450 Non-transferability of license Cessation-of-operations

- a) A license is not assignable or transferable.
- b) Discontinuation of operations causes the license to be void.
- c) License documents and all copies shall remain Department property and shall be returned by the agency within 10 days after notifying the Department of a change in ownership, or if the license is revoked or modified.

(Source: Former Section 115.450 renumbered to Section 115.460 and former Section 115.440 renumbered to Section 115.450 at 22 Ill. Reg. _____, effective _____)

Section 115.460 Cessation of operations license-revocation

- a) If, at any time, an agency determines that it will terminate operation as a licensed CILA agency, it shall notify the Department of its decision at least 60 days prior to the date of termination.
- b) Said notice shall be given to the Department, to service providers working with all affected individuals, to any individual who must be transferred or discharged, to the individual's guardian and to a member of the individual's family, when applicable.
- c) The notice shall state the proposed date for cessation and the reason.
- d) The agency shall assist individuals in securing alternative services and shall advise individuals on available alternatives.
- e) The agency shall be responsible for services to individuals until cessation of operation as a licensed CILA agency occurs and shall work cooperatively with the Department in securing alternative services.

(Source: Former Section 115.460 renumbered to Section 115.440 and former Section 115.450 renumbered to Section 115.460 at 22 Ill. Reg. _____, effective _____)

Section 115.470 Hearings

- a) If an agency contests the Department's decision regarding licensure pursuant to subsection (a), (b) or (c) of this Section, it can request a hearing pursuant to this Section by submitting a written request within 20 working days to the Department's Bureau of Administrative Hearings at 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762. The Department shall notify the agency of the time

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

and place of the hearing not less than 14 days prior to the hearing date.

b) ~~a~~ A license may not be denied or revoked unless the agency is given written notice of the grounds for the Department's action. Except when revocation of a license is based on imminent risk ~~as described in Section 115-460(c)~~, the agency program whose license has been revoked may operate and receive reimbursement for services during the period preceding the hearing, until such time as a final decision is made.

c) ~~b~~ Hearings shall be conducted in accordance with the Department's rule at 59 Ill. Adm. Code 101.70, Conduct of hearings and appeals.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section 115.500 Purpose

The purpose of this Subpart is to set forth the components of Department reimbursement for CILAs, as mandated by Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9].

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 115.510 Rate components

The components of Department reimbursement for CILA may include, but may not be limited to, the following, using costs as reported on the Interagency Statistical and Financial Report, or its successor, and other sources as deemed appropriate by the Department:

- a) Base support costs including allowances for "room and board," "program," "transportation," and "administration." Base support costs are considered to be those that are incurred in the delivery of CILA supports to individuals with developmental disabilities for the purchase of services that are common to all CILA recipients with similar living arrangements and direct service staffing and transportation needs.
- 1) Room and board cost centers

The "room and board" allowance includes costs incurred in keeping a home in normal operation. Cost centers under the room and board major allowance category may include:

- A) Housing;
- B) Utilities;
- C) Telephone;
- D) Building and Property Insurance;
- E) Maintenance and Housekeeping;
- F) Food Supplies;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- G) Nonfood Supplies; and
 H) Other, not elsewhere classified.
 2) Program cost centers
 The program allowance includes costs incurred in providing habilitation services and supports to the extent allowed by the CILA rate model. Cost centers under the program major category may include:
 A) Direct care staff and supervision;
 B) Fringe benefits;
 C) Other supplies;
 D) Miscellaneous consultant services; and
 E) Other, not elsewhere classified.

- 3) Transportation
 Transportation cost may be incurred while providers assist and/or train the persons living in the CILA home in the activities of daily living.

- 4) Administration
 All administrative costs associated with community agency overhead expenses as they relate to the delivery of CILA supports are included within the "administration" cost center reimbursement. Community agency overhead is assumed to include all the costs associated with administrative staff, administrative clerical staff, office space costs, office operating expenses, insurance, management consultants, accounting, the cost of hiring staff, staff physical examinations, staff travel and training, conferences, conventions, association fees, and all other costs incurred in the overhead associated with the delivery of CILA supports.

- b) Nonbase support costs are expenses incurred due to the special added services required by specific persons living in CILAs to the extent allowed by the CILA rate model. Nonbase supports can include other individually required supports such as nursing, special dietary needs, and therapies. Nonbase support additions to the rate generated by the CILA rate model must be indicated as necessary by the interdisciplinary team (IDT), are not common to all individuals residing in CILAs, and may be required more intensely soon after an individual moves into a CILA, with decreasing need for them over time. Department staff review all requests for individual nonbase supports and must approve any hourly reimbursements added to an individual's CILA rate. Nonbase support hours must be periodically reaffirmed by professional assessment.

- c) An individual CILA rate includes reimbursement for costs associated with providing day programs to individuals living in CILA homes. For persons receiving day program supports that do not fit the definition of those with fixed rates, an "other day program" option is available. Community agencies that indicate the "other day program" selection must submit a description of the supports to be provided and a proposed annual budget for Department review. Individuals between the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

ages of 18 and 59 are expected to be participating in out-of-home, work-oriented day programs, unless there are medical or behavioral issues that prevent such participation.

- d) Third party payment information concerning an individual's earned and unearned income is obtained from the "Community Reimbursement Subsystem Financial Questionnaire," and used to calculate the third party payment. The third party payment may be subtracted from the top line rate to produce the bottom line rate, or the rate paid by the Department to the community provider agency.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Section 115. Appendix A Specific Level of Functioning Assessment and Physical Health Inventory (Repealed)

Instructions Circle the number that best describe this person's typical level of functioning on each item listed below. BE AS ACCURATE AS YOU CAN. If you are not sure about a certain rating, ask someone who might know or consult the case record.

DMHDD-1245
45-429

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

SPECIFIC LEVEL OF FUNCTIONING ASSESSMENT

Physical Health Inventory

RATER INFORMATION		CLIENT INFORMATION	
Name of Rater		Client Name	| | | |
(please print)		Client Social Security Number	- - - - -
		Date of Birth	- - - - -
Rater's Title		Sex	M F
Date on which this form was filled out		Home Address	
		Is this person able to speak, read and understand English?	Yes No
		If No, what language or adaptations does the person ordinarily require?	Specify

On the following pages you will be asked to make some judgments about this client's skills and abilities. Please remember that your answers should reflect what has been most typical of the client during the past week, the way the client has been most of the time. Therefore, do not limit your rating only to the way the client was the last time you saw him. Your rating will have a great deal to do with the service this person will receive so it is essential that you use your knowledge of the client's usual condition during the past week.

Base your answers on how persons of similar age, sex, and general background manage these activities in normal daily living. Do not use your program or facility as your only basis for comparison. We are less interested in how well someone has adjusted to your program than we are in how well they could manage outside it.

Above all, use common sense. These items are not too technical or complex, and you should use the best information and best judgment you can in making the assessment.

MARK ONLY ONE NUMBER FOR EACH ITEM. BE SURE TO MAKE ALL ITEMS.

A- Physical Functioning	-SELF MAINTENANCE-				
	PROBLEM BUT NO EFFECT ON PERSONAL FUNCTIONING	PROBLEM BUT NO EFFECT ON PERSONAL FUNCTIONING	BLIGHT EFFECT ON PERSONAL FUNCTIONING	RESTRICTS GENERAL PERSONAL FUNCTIONING SUBSTANTIALLY	PREVENTS PERSONAL FUNCTIONING
1- VISION	5	4	3	2	1
2- HEARING	5	4	3	2	1
3- SPEECH IMPAIRMENT	5	4	3	2	1
4- WALKING, USE OF LEGS	5	4	3	2	1
5- USE OF HANDS AND ARMS	5	4	3	2	1
B- Personal Care Skills	TOTALLY SUFFICIENT	NEEDS VERBAL GUIDANCE	NEEDS SOME OR ASSISTANCE	NEEDS SUBSTANTIAL HELP	TOTALLY DEPENDENT
6- TOILETING (uses toilet properly; keeps self and area clean)	5	4	3	2	1
7- EATING (uses utensils properly; eating habits)	5	4	3	2	1
8- PERSONAL HYGIENE (body and teeth- general cleanliness)	5	4	3	2	1
9- DRESSING SELF (selects appropriate garments; dresses self)	5	4	3	2	1
10- GROOMING (hair, make-up, general appearance)	5	4	3	2	1
11- CARE OF OWN POSSESSIONS	5	4	3	2	1
12- CARE OF OWN LIVING SPACE	5	4	3	2	1
C- Interpersonal Relationships	-SOCIAL FUNCTIONING-				
	HIGHLY FRUSTRATED BY THIS PERSON	GENERALLY TYPICAL OF THIS PERSON	SOMEWHAT UNUSUAL FOR THIS PERSON	GENERALLY UNUSUAL FOR THIS PERSON	HIGHLY UNUSUAL FOR THIS PERSON

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

13-AGREES CONTACT WITH OTHERS (does not withdraw or turn away)	5	4	3	2	1
14-INITIATES CONTACT WITH OTHERS	5	4	3	2	1
15-COMMUNICATES EFFECTIVELY (speech and gestures are understandable and to the point)	5	4	3	2	1
16-ENGAGES IN ACTIVITIES WITHOUT PROMPTING	5	4	3	2	1
17-PARTICIPATES IN GROUPS	5	4	3	2	1
18-FORMS AND MAINTAINS FRIENDSHIPS	5	4	3	2	1
19-ASKS FOR HELP WHEN NEEDED	5	4	3	2	1
D-Social Acceptability	NEVER	RARELY	SOMETIMES	FREQUENTLY	ALWAYS
20-VERBALLY ABUSES OTHERS	5	4	3	2	1
21-PHYSICALLY ABUSES OTHERS	5	4	3	2	1
22-DESTROYS PROPERTY	5	4	3	2	1
23-PHYSICALLY ABUSES SELF	5	4	3	2	1
24-IS FEARFUL, CRYING, CLINGING	5	4	3	2	1
25-TAKES PROPERTY FROM OTHERS WITHOUT PERMISSION	5	4	3	2	1
26-PERFORMS REPETITIVE BEHAVIORS (pacing, rocking, making noises, etc.)	5	4	3	2	1
COMMUNITY LIVING SKILLS					
E-Activities	TOTALLY SUFFICIENT SELF	NEEDS VERBAL ADVICE OR GUIDANCE	NEEDS SOME PHYSICAL HELP OR ASSISTANCE	NEEDS SUBSTANTIAL HELP	TOTALLY DEPENDENT

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

27-HOUSEHOLD RESPONSIBILITIES (house cleaning, cooking, washing clothes, etc.)	5	4	3	2	1
28-SHOPPING (selection of items, choice of stores, payment of register)	5	4	3	2	1
29-HANDLING PERSONAL FINANCES (budgeting, paying bills)	5	4	3	2	1
30-USE OF TELEPHONE (getting number, dialing, speaking, listening)	5	4	3	2	1
31-TRAVELING FROM RESIDENCE WITHOUT GETTING LOST	5	4	3	2	1
32-USE OF PUBLIC TRANSPORTATION (checking route, seeing timetable, paying fares, making transfers)	5	4	3	2	1
33-USE OF LEISURE TIME (reading, visiting friends, listening to music, etc.)	5	4	3	2	1
34-RECOGNIZING AND AVOIDING COMMON DANGERS (traffic safety, fire safety, etc.)	5	4	3	2	1
35-SELF-MEDICATION (understanding purpose, taking as prescribed, recognizing side effects)	5	4	3	2	1
36-USE OF MEDICAL AND OTHER COMMUNITY SERVICES (knowing who to contact, how, and when to see)	5	4	3	2	1
37-BASIC READING, WRITING AND ARITHMETIC (enough for daily needs)	5	4	3	2	1

F-Work Skills	HIGHLY TYPICAL OF THIS PERSON	GENERALLY TYPICAL OF THIS PERSON	SOMEWHAT TYPICAL OF THIS PERSON	GENERALLY UNUSUAL OF THIS PERSON	HIGHLY UNUSUAL OF THIS PERSON
38-HAS EMPLOYABLE SKILLS	5	4	3	2	1
39-WORKS WITH MINIMAL SUPERVISION	5	4	3	2	1
40-IS ABLE TO SUSTAIN WORK EFFORTS (not easily distracted; can work under stress)	5	4	3	2	1
41-APPEARS AT APPOINTMENTS ON TIME	5	4	3	2	1
42-FOLLOWS VERBAL INSTRUCTIONS ACCURATELY	5	4	3	2	1
43-COMPLETES ASSIGNED TASKS	5	4	3	2	1

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Accumulation of Guaranty Fund or Guaranty Capital Reporting and Accounting of Such Indebtedness

- 2) Code Citation: 50 Ill. Adm. Code 301

- 3) Section Numbers:
 301.30 Proposed Action:
 Amendment
 301.60 Amendment
 301.70 Amendment

- 4) Statutory Authority: Implementing Section 56 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/56 and 401]

- 5) A Complete Description of the Subjects and Issues Involved: Part 301 is being amended to delete language in Section 301.30 that allows artificial payment floors with the advent of risk-based capital. This language is not needed. New language is also being added to Section 301.30 that will provide a new safeguard for pre-payment without the Director's approval. Section 301.60 is also being amended to clarify the accounting for accrued interest.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No

- 7) Does this amendment contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Eve Blackwell-Lewis
 Staff Attorney
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 217-782-2867

Mary Meyer
 Paralegal
 Department of Insurance
 320 West Washington
 Springfield, Illinois 62767-0001
 217-785-8220

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Department did not anticipate the changes at the time of the regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER c: DOMESTIC MUTUAL COMPANIES

PART 301
ACCUMULATION OF GUARANTY FUND OR GUARANTY CAPITAL-
REPORTING AND ACCOUNTING OF SUCH INDEBTEDNESS

Section	
301.10	Authority
301.20	Application and Effective Date
301.30	Approval of Certificate Form by Director
301.40	Execution of Certificate
301.50	Consideration
301.60	Reporting and Accounting of Indebtedness
301.70	Retirement of Guaranty Fund and Guaranty Capital and Payment of Interest

AUTHORITY: Implementing Section 56 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/56 and 401].

SOURCE: Filed September 27, 1971, effective Oct. 1, 1971; codified at 7 Ill. Reg. 6488; amended at 13 Ill. Reg. 14042, effective September 11, 1989; amended at 22 Ill. Reg. _____, effective _____.

Section 301.30 Approval of Certificate Form by Director

Guaranty Fund or Guaranty Capital certificates issued pursuant to Section 56 of the Illinois Insurance Code [215 ILCS 5/56] ~~that--Rev--Stat--1987--ch--73--par--687~~ shall be submitted, in duplicate, for the approval of the Illinois Director of Insurance (Director) prior to being issued by the company. The certificate must state that all payments of principal and/or interest must be approved by the Director. The obligation of the company under this certificate may not be offset or be subject to recoupment with respect to any liability or obligation owed to the company. No security agreement or interest, whether existing on the date of this certificate or subsequently entered into, applies to the obligation under this certificate. ~~It also must state that neither principal nor interest may be repaid unless--after--such--payment--surplus--as regards--policyholders--is--equal--to--or--greater--than--surplus--as--regards policyholders--immediately after--the--issuance--of--the--Certificate.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 301.60 Reporting and Accounting of Indebtedness

- a) The Director shall be notified immediately, in writing, upon the execution of any such certificate, as to the amount thereof and to

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

- whom payable.
- b) The company shall furnish a copy of the deposit slip evidencing that the funds derived from the execution of such certificate have been deposited to the company's account.
- c) All outstanding guaranty funds or guaranty capital and interest accrued thereon shall be reported separately in the Annual Statement on Page 3 and in any other financial statements of the company as special surplus funds.
- d) The issuance and repayment of the guaranty fund or guaranty capital, as well as the payment of the interest thereon, shall be reflected as direct debits or credits to the Capital and Surplus Account of the company's financial statement.
- e) The interest expense incurred on the guaranty fund or guaranty capital during the current period shall be reflected as part of net income on the Statement of Income/Summary of Operations of the company's financial statement.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 301.70 Retirement of Guaranty Fund and Guaranty Capital and Payment of Interest

- a) A company may only retire guaranty funds and guaranty capital and make payment of interest on any indebtedness as provided under Section 56 of the Illinois Insurance Code [215 ILCS 5/56]. No payment shall be authorized by the Director unless:

- 1) The company's surplus as regards policyholders is reasonable in relation to its outstanding liabilities and adequate for its financial needs [the determination of the reasonableness and adequacy of surplus shall include consideration of the following factors: premium volume as referenced in Sections 144 and 244.1 of the Illinois Insurance Code (Code) [215 ILCS 5/144 and 244.1] ~~that--Rev--Stat--1987--ch--73--par--756--and--856--17~~; lines of business and additional authority as referenced in Sections 4, 11, 39, 245.23 of the Code [215 ILCS 5/4, 11, 39, 245.23] ~~that--Rev--Stat--1987--ch--73--par--6167-857-237-6237-6517-857-237~~ and Section 2-1 of the Health Maintenance Organization Act [215 ILCS 125/2-1] ~~that--Rev--Stat--1987--ch--111-172--par--40377~~ reserves, company size and operational history as referenced in Section 113 of the Code [215 ILCS 5/113] ~~that--Rev--Stat--1987--ch--73--par--72577~~, and
- 2) Such payment will not reduce the company's surplus as regards policyholders to less than that currently required under Section 40 of the Illinois Insurance Code [215 ILCS 5/40] ~~that--Rev--Stat--1987--ch--73--par--6557~~, and
- 3) Such payment is consistent with the terms of the certificate approved pursuant to Section 301.30 of this Part.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- b) Any payment which reduces the company's surplus as regards policyholders beyond the amount permitted under Section 301.70 of this Part ~~hereof~~ must be immediately returned in lawful money to the company.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Plugging and Restoration Contracts

- 2) Code Citation: 44 Ill. Adm. Code 610

- | <u>Section Number:</u> | <u>Proposed Action:</u> |
|------------------------|-------------------------|
| 610.100 | Amend |
| 610.120 | Amend |
| 610.210 | Amend |
| 610.300 | Amend |
| 610.310 | Amend |
| 610.320 | Amend |
| 610.400 | New |
| 610.410 | New |
| 610.420 | New |
| 610.430 | New |
| 610.440 | New |
| 610.450 | New |
| 610.500 | New |
| 610.510 | New |
| 610.520 | New |
| 610.530 | New |
| 610.540 | New |

- 4) Statutory Authority: Implemented and authorized by Section 19.6 of the Illinois Oil and Gas Act [225 ILCS 725/19.6].

- 5) A Complete Description of the Subjects and Issues Involved: Amends current Plugging and Restoration contract rules to implement recently enacted legislation which authorizes the disposition of certain oilfield equipment placed into the Department's Oil and Gas Well Site Plugging and Restoration Program by administrative order. Clarifies various existing definitions and adds a new definition of "Well Site Equipment". A new Subpart D is added to specify the scope of salvage plugging and restoration projects and to clearly establish equipment salvage values. Requirements are specified for the disposal of salvage equipment by private or public bid sale.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Alfred L. Clayborne, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217) 782-1809

The Department will hold a public hearing on the proposed rulemaking on September 10, 1998, at 10:00 a.m. at the Ramada Inn, #1 Keller Drive, Effingham, Illinois. Representatives of small businesses are encouraged to comment about the impact of the proposed rulemaking at this public hearing.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Oil production and service companies, as well as salvage dealers, will be affected in a positive manner by the proposed salvage equipment disposal rules. No adverse impact on small municipalities or not for profit corporations is anticipated.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER VIII: DEPARTMENT OF NATURAL RESOURCES MINES-AND-MINERALS

PART 610

PLUGGING AND RESTORATION CONTRACTS

SUBPART A: GENERAL PROVISIONS

Section
610.100 Definitions
610.110 Incorporation of rules
610.120 Prequalification of Bidders

SUBPART B: STANDARD PLUGGING AND RESTORATION PROJECTS

Section
610.200 Applicability
610.210 Scope
610.220 Work to be performed
610.230 Invitation for Bids
610.240 Notification of vendors
610.250 Content of the Invitation for Bids
610.260 Evaluation of Bids
610.270 Negotiation
610.280 Contract terms

SUBPART C: EMERGENCY PLUGGING AND RESTORATION PROJECTS

Section
610.300 Applicability
610.310 Scope
610.320 Work to be performed
610.330 Contracts for Individual Emergency Projects
610.340 Regional Contracts
610.350 Contract terms

SUBPART D: SALVAGE PLUGGING AND RESTORATION PROJECTS

Section
610.400 Applicability
610.410 Scope
610.420 Work to be performed
610.430 Contracts and Salvage Estimates
610.440 Eligible Vendors
610.450 Contract Terms

SUBPART E: SALE OF SALVAGE EQUIPMENT

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section	Applicability
610.500	Scope
610.510	Equipment to be sold
610.520	Private sale
610.530	Bid sale
610.540	

AUTHORITY: Implementing and authorized by Section 19.6 of the Illinois Oil and Gas Act [225 ILCS 725/19.6].

SOURCE: Adopted at 17 Ill. Reg. 8176, effective May 25, 1993; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 610.100 Definitions

"Bid List"--means the list of prequalified bidders compiled and maintained by the Illinois Department of Natural Resources, Office of Mines and Minerals.

"CMS"--means the Illinois Department of Central Management Services.

"CMS Standard Procurement Rules"--means the standard procurement rules of the Illinois Department of Central Management Services as codified under 44 Ill. Adm. Code 1.100 et seq.

"Department"--means the Illinois Department of Natural Resources, Office of Mines and Minerals.

"Emergency Clean-up Project"--means an emergency crude oil production facility, or crude oil or saltwater spill clean-up or remediation of conditions endangering public health or safety or contaminating surface waters, ground water, or the surface of the land.

"Emergency Repair Work"--means work to repair or contain leaks of produced fluids from production equipment, pits, or other containment structures that are contaminating surface waters or ground waters, or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Remedial Work"--means remedial work to--repair--or--contain leaks--from--production--equipment--pits--or--other--containment structures--of--oil--or--saltwater--that--are--contaminating--surface waters--or--are--flowing--in--sufficient--quantity--to--create--an--increasing area--of--contamination--on--the--surface--of--the--land--

"Emergency Well Plugging"--means the plugging and abandonment of a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

well or wells that are actively flowing oil or saltwater and are contaminating surface waters or ground waters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well that poses an imminent danger to public safety a--well--or--wells--that--are--actively--flowing--oil--or saltwater--and--are--contaminating--surface--waters--or--flowing--in sufficient--quantity--to--create--an--increasing--area--of--contamination--on the--surface--of--the--land--or--a--well--leaking--natural--gas--or--H₂S--in sufficient--quantity--to--endanger--public--safety--or--create--a--fire--hazard.

"Emergency Project"--means--an--emergency--well--plugging--or--emergency remedial--work--PRP--Project.

"IFB"--means an invitation for bids whereby the Department solicits bids from vendors for the completion of a Standard, Emergency Clean-up, Emergency Repair, or Emergency Well Plugging PRP Project or salvage equipment sale. Bids may be solicited for proposed unit prices, such as for bags of cement and rig time, or for completion of an entire project, or for purchase of salvage production equipment determined to be abandoned in accordance with the Illinois Oil and Gas Act both.

"PRP"--means the Department's Plugging and Restoration Fund as established under Section 6 of the Illinois Oil and Gas Act [725 ILCS 225]. 7--Ill--Rev--Stat--1991--ch--96--1/27--par--5401--et--seq.

"PRF Project"--means a Standard Project, or Emergency Clean-up Project, Emergency Well Plugging, Emergency Repair Work or Salvage Plugging Project funded by the Plugging and Restoration Fund.

"Salvage Plugging and Restoration Project"--means a Plugging and Restoration Project whereby abandoned wells are plugged for the value of the salvage.

"Salvage Equipment Sale"--means sale, by private means or bid, of salvage production equipment associated with abandoned wells in the Plugging and Restoration Program.

"Secretary of State"--means the Secretary of State of the State of Illinois.

"Standard Plugging and Restoration Project"--means a PRF Project that has not been determined by the Department to not be an Emergency Project whereby abandoned wells are plugged following a bidding process.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

"Supervisor"--means the Supervisor of the Oil and Gas Division of the Department of Natural Resources, Office of Mines and Minerals.

"Well Site Equipment"---means the equipment including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation may be sold at a public auction or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. [225 ILCS 725/19.6(g)(2)]

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 610.120 Prequalification of Bidders

- a) The Department shall maintain a list of prequalified bidders for Standard Emergency and Salvage Plugging contracts. A vendor on the bid list shall be presumed to be a responsible bidder.
- b) Any vendor not on the bid list may be determined to be a responsible bidder for a particular project if at the time of contract award the vendor meets the criteria for prequalification set out under this Section, including having submitted a complete request for placement on the bid list as provided herein.
- c) Any vendor may request at any time to be prequalified and placed on the bid list by completing a request on a form prescribed by the Department and signing the written request. If the vendor is a business entity, such as a corporation, the request must be signed by a person authorized to enter into contracts on behalf of that entity.
- d) The request shall contain the following information:
 - 1) A summary of the vendor's plugging and restoration experience, including a description of the five most recent plugging and restoration projects the vendor has performed and the names and addresses of the persons or entities for whom the vendor performed such work. If the vendor has not performed five such projects, then the vendor shall so state.
 - 2) All plugging and restoration equipment the vendor owns. If the vendor does not own all the equipment that may be generally needed on a plugging and restoration project the vendor must state from whom and under what arrangement, e.g. by lease, the vendor shall obtain the necessary equipment.
 - 3) The location of the vendor's home office, from which all applicable mileage is to be calculated.
 - 4) Certifications as required by Illinois law for any contract with the State of Illinois.
 - 5) If a business entity, the vendor shall also identify the principal owners and officers of the vendor and the nature of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

vendor's organization, for instance whether it is incorporated. If the vendor is a corporation the vendor must identify the state in which it is incorporated, if incorporated in Illinois whether it is presently in good standing with the Secretary of State's office, and if incorporated in another state whether it is currently authorized to do business in Illinois.

- 6) The vendor's Federal Taxpayer Identification Number.
- 7) Whether there is currently a Director's Decision of the Department outstanding against the vendor, under which the vendor is currently in violation of any law or regulation administered by the Department, and if so what violations and the date on which the violations shall be abated.
- e) Upon receipt of a request for inclusion on the Department's bid list the Department shall review the request to determine whether the vendor is responsible. The Department may require the vendor submit additional information the Department may need to knowledgeably make the determination of responsibility under subsection (f) of this Section.
- f) The Department shall determine that a vendor is responsible if the vendor has submitted a complete request in compliance with this Subpart and based on the information contained in the request, any additional information supplied by the vendor, and the records of the Department, the Department finds that the vendor:
 - 1) Has adequate experience to properly perform plugging and restoration work. A vendor shall be presumed adequately experienced if it has successfully performed plugging and restoration projects on at least five wells.
 - 2) Has adequate equipment available to perform plugging and restoration work. The vendor must own at a minimum a rig sufficient to set cement as required by the Department to properly plug wells, set bridge plugs, and shoot and pull casing. The Department may inspect the equipment of the vendor to determine the adequacy of the equipment.
 - 3) Has access to, either through lease or ownership, adequate equipment, in addition to a rig, to perform plugging and restoration work.
 - 4) Does not have outstanding against it a Director's Decision, under which the vendor is currently in violation of any law or regulation administered by the Department, or is owned or operated by individuals who are so in violation, such that the vendor would be prohibited from receiving a permit from the Department.
 - 5) If an Illinois corporation, is currently in good standing with the Secretary of State's office, and if a foreign corporation is currently authorized to do business in the State of Illinois.
 - 6) Certifies it can, and will, comply with all applicable State laws and regulations.
 - g) If any information supplied by the vendor on its request form

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

materially changes such that the information is no longer true, the vendor shall immediately report such change to the Department.

h) A vendor may be removed from the bid list if:

- 1) The vendor fails to adequately perform the work required under any PRF Project. The Department shall make its determination under this subsection on the basis of the quality and timeliness of the work, and the compliance with the directives from the Department's site manager in performing any PRF project.
- 2) The vendor no longer meets the requirements for being placed on the bid list.
- 3) The vendor fails to inform the Department of a material change in the information supplied in the request.
- 4) Any statement of the vendor on the request is discovered to be false.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: STANDARD PLUGGING AND RESTORATION PROJECTS

Section 610.210 Scope

A Standard PRF Project may include one or more particular wells to be plugged and sites to be restored; a single leasehold on which all wells are to be plugged, well sites to be restored and lease site to be restored; or several lease sites on which all wells are to be plugged, well and lease sites to be restored.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: EMERGENCY PLUGGING AND RESTORATION PROJECTS

Section 610.300 Applicability

~~This Subpart applies to Emergency Clean-up Projects.~~
Emergency Repair Work and Emergency Well Plugging Projects.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 610.310 Scope

An emergency project may include the clean-up or remediation of conditions occurring at crude oil production facilities endangering public health or safety or contaminating surface or ground waters or the surface of the land; repair work to contain leaking produced fluid from wells, tanks, pits, or containment dikes; or plugging of leaking wells endangering the environment or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

public health and safety ~~emergency-well-plugging-or-emergency-remedial-work.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 610.320 Work to be performed

The Department shall have the discretion to determine what Clean-up, Repair Work or plugging and restoration or--remedial work shall be done under any particular project covered by this Subpart and may reserve the authority to modify the work to be performed during the course of the project.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: SALVAGE PLUGGING AND RESTORATION PROJECTS

Section 610.400 Applicability

This Subpart applies to Plugging and Restoration Program projects where the cost of plugging a well or wells is offset by the salvage value of the well site equipment.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.410 Scope

A Salvage Plugging Project may include one or more particular wells to be plugged and well sites to be restored; a single leasehold on which all wells are to be plugged, well sites to be restored and lease site to be restored; or several lease sites on which all wells are to be plugged and well and lease sites to be restored.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.420 Work to be performed

The Department shall have the discretion to determine what plugging and restoration work shall be done under any particular project and may reserve the authority to modify the work to be performed during the course of the project.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.430 Contracts and Salvage Estimates

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

a) Based on the nature of the Salvage Plugging Project, the information available regarding the wells to be plugged, the estimated value of the salvage production equipment, and all other relevant criteria, the Department may enter into a no cost contract to plug a well or group of wells on a lease or part of a unit on the basis of the total cost to plug the well or wells to be offset by the value of the salvage production equipment. The Department will transfer control of the abandoned salvage equipment at the time a contract is signed.

b) The estimated salvage value of the well site equipment shall be determined by the Department but shall not be less than the following:

- 1) Pumping unit \$100 each
- 2) Steel tank \$75 each
- 3) Fiberglass \$100 each
- 4) Gunbarrel \$50 each
- 5) Heater-treater \$75 each
- 6) Injection pump \$100 each
- 7) Reusable shed/outbuildings \$1 per square foot
- 8) Salable hydrocarbons per barrel price at time of sale

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.440 Eligible Vendors

Only vendors currently on the Department's prequalified bid list are eligible for contracts under this Subpart.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.450 Contract terms

The contract shall be explicitly made in compliance with all applicable State laws and rules, including the CMS standard procurement rules not superseded by this Part, and shall contain provisions required by such laws and rules and any additional terms to which the parties have agreed.

(Source: Added at 22 Ill. Reg. _____, effective _____)

SUBPART E: SALE OF SALVAGE EQUIPMENT**Section 610.500 Applicability**

This Subpart applies to the sale of abandoned well site equipment. The proceeds of any sale shall be deposited in the Plugging and Restoration Fund.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.510 Scope

The sale of abandoned equipment to interested parties may be by private sale, if less than \$2500 per individual item of production equipment, or by bid if over \$2500 per individual item of production equipment.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.520 Equipment to be sold

Abandoned well site production equipment associated with wells in the Plugging and Restoration Program are eligible under Section 19.6 of the Illinois Oil and Gas Act to be sold through private or public bid sale. The Department shall have the discretion to determine which items of equipment are eligible for sale.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.530 Private sale

If the estimated salvage values, as determined by the Department, of the abandoned production equipment are less than \$2500 per individual item of production equipment, the Department may sell and transfer control of the equipment to any interested party. Payment under term of a private sale shall be by cashier's check or money order payable to the Plugging and Restoration Fund.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 610.540 Bid sale

a) If the estimated salvage value, as determined by the Department, of the abandoned production equipment is greater than \$2500 per individual item of production equipment, the Department shall sell such equipment by means of a bid sale.

b) Vendors currently on the Department's prequalified bid list shall receive a copy of the IFB. The Department shall also notify the public by posting a notice in the State newspaper as provided in the Department of Central Management Services Standard Procurement Rules (44 Ill. Adm. Code 1). Any vendor, whether or not on the bid list, may, upon specific request by the vendor, receive a copy of a particular IFB.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- c) The IFB shall contain the location and description of the individual well site production equipment and, if applicable, a minimum acceptable bid amount.
- d) Bids shall be evaluated on the basis of the highest amount bid on the equipment.
- e) After determining the best bid the Department shall negotiate a sale agreement with the vendor making such bid. Where the Department is unable to satisfactorily negotiate a sale agreement with the vendor offering the best bid, the Department may attempt to negotiate a sale agreement with the vendor offering the next best bid.
- f) Payment shall be made by cashier's check or money order payable to the Plugging and Restoration Fund.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Quality Standards and Certification Requirements for Facilities Performing Mammography
- 2) Code Citation: 32 Ill. Adm. Code 370
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
370.10	New Section
370.20	New Section
370.30	New Section
370.40	New Section
370.50	New Section
370.60	New Section
370.70	New Section
370.80	New Section
370.90	New Section
370.100	New Section
370.110	New Section
370.120	New Section
370.130	New Section
370.140	New Section
370.150	New Section
370.160	New Section
370.170	New Section
370.APPENDIX A	New Section
370.APPENDIX B	New Section
370.TABLE A	New Section

- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- 5) A Complete Description of the Subjects and Issues Involved: As stated in the Emergency Rule, Illinois is one of the first two States that have applied to the Food and Drug Administration (FDA) to become authorized to implement federal Mammography Quality Standards Act of 1992 (MQSA) certification requirements as part of FDA's States as Certifiers Demonstration Project. FDA has approved the Department's application pending adoption and implementation of rules consistent with MQSA.

The rulemaking is a preliminary step toward implementing a State certification program under subsection (q) of the federal MQSA, and subsection (b) of Section 24.5 of the Radiation Protection Act of 1990. The Department has submitted an application to the United States Food and Drug Administration to become authorized to carry out the certification program requirements provided for in MQSA. As a prerequisite to approval by the Secretary of Health and Human Services of the State's certification program, the State must have enacted laws and issued regulations relating to mammography facilities and additional requirements for radiographers performing mammography which are the requirements of the MQSA. This Part,

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

together with the Radiation Protection Act of 1990, is intended to meet those requirements.

This Part establishes quality standards and certification requirements for facilities performing mammography to ensure that all mammography facilities are adequately and consistently evaluated for compliance with the standards provided for in this Part. In addition, this Part establishes additional training, continuing education and continuing experience requirements for radiographers performing mammography services at mammography facilities. The standards in this Part are consistent with standards in FDA's final mammography rule which becomes effective on April 28, 1999. The Department recognizes, however, that some of the standards in this Part and FDA's final rule are more restrictive than the standards in FDA's current interim mammography rule that is effective until April 28, 1999. In enforcing a new or more restrictive provision than that found in FDA's interim rules, the Department will examine the violation to determine whether the violation would have been a violation of FDA's interim rules or a Section of the Radiation Protection Act of 1990 other than Section 24.5. If the violation would not have been a violation of FDA's interim rules, and does not violate a provision of the Radiation Protection Act, the Department will note the violation and monitor the facility's progress toward achieving compliance by April 28, 1999. If the violation would violate FDA's Interim regulations or provisions of the Radiation Protection Act of 1990, other than Section 24.5, additional enforcement action may be necessary.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The requirements imposed by this rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues, with one possible exception. The exception is that local governmentally funded facilities that provide mammography services will be required to pay an annual certification fee of \$750 to the Department. This fee is necessary to cover Department costs for the MQSA certification program.

Because locally funded mammography facilities are already subject to the requirements of the Radiation Protection Act of 1990 as well as the MQSA and FDA's regulations thereunder, the impact of this rule on such facilities should be minimal.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED RULES

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department believes that a few of the 444 facilities currently providing mammography services in Illinois could be small businesses and/or not-for-profit corporations and may be affected by this rule. However, the effect will be positive for most of the facilities. All 444 facilities will be required to pay a \$750 annual fee. However, for 406 facilities, this should result in a substantial reduction from the current FDA fee. FDA charges additional fees for machines at each facility. The Department does not. For 38 facilities claiming government entity status that do not currently pay FDA mammography fees, the Department fee will be a \$750 expenditure.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rule is identical to the text of the emergency rule published in this issue of the Illinois Register on page 14972:

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers Proposed Action:
148.270 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 90-588
- 5) Complete Description of the Subjects and Issues Involved These proposed amendments to the Department's rules concerning hospital services are necessary to augment reimbursement levels for recently established children's hospitals. These changes in payment methodology will provide rate parity between recently established children's hospitals and children's hospitals that existed prior to June 1995. Such older hospitals have rates that were annually increased for medical inflation prior to the implementation of rate maintenance. These changes in payment methodology are mandated by Section 14-8(a)(2) of Public Act 90-588.
- These proposed amendments are expected to result in an annual expenditure of approximately \$5 million.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.82	Amendment	May 15, 1998 (22 Ill. Reg. 8356)
148.120	Amendment	July 17, 1998 (22 Ill. Reg. 12471)
148.140	Amendment	July 17, 1998 (22 Ill. Reg. 12471)
148.295	Amendment	July 17, 1998 (22 Ill. Reg. 12471)
148.296	Amendment	July 17, 1998 (22 Ill. Reg. 12471)
148.297	Amendment	July 17, 1998 (22 Ill. Reg. 12471)
148.298	New Section	July 17, 1998 (22 Ill. Reg. 12471)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this Proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62763

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Recently established children's hospitals
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the Illinois Register on page 15027.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers:

130.1940
130.1951
130.1952

Proposed Action:
Amendment
Amendment

4) Statutory Authority: 35 ILCS 120

5) A. Complete Description of the Subjects and Issues Involved: This amendment is intended to clarify which methods of carpet installation the Department considers to be permanent installation into real estate. When tangible personal property is permanently installed into real estate by a construction contractor, the construction contractor is deemed to be the user of the tangible personal property. Therefore, the taxable event for Retailers' Occupation Tax and Use Tax purposes takes place when the construction contractor purchases the carpet from its supplier and takes it off the market as tangible personal property.

Under the current regulations, carpet is considered to be permanently installed into real estate only when cemented or otherwise permanently affixed to the structure. Carpeting installed by "tacking" is not considered to be permanently affixed. These provisions were intended to make a distinction between, for example, permanently cemented wall-to-wall carpeting and temporarily "tacked down" area rugs. However, an increasingly widespread method of carpet installation known as the "tackless" method actually involves the use of wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"). Recent administrative hearings and circuit court decisions have found this method of carpet installation to be permanent. On the other hand, it has come to the Department's attention that stairway carpeting intended to be permanently installed is often affixed by "tacking."

This rulemaking attempts to address these contradictions.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes
- Section Numbers

Proposed Action

IL Register Citation

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 130.1945
Amendment
1/23/98, 22 Ill. Reg. 2070
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Construction contractors.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101 Character and Rate of Tax
130.105 Responsibility of Trustees, Receivers, Executors or Administrators
130.110 Occasional Sales
130.111 Sale of Used Motor Vehicles by Leasing or Rental Business
130.115 Habitual Sales
130.120 Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201 The Test of a Sale at Retail
130.205 Sales for Transfer Incident to Service
130.210 Sales of Tangible Personal Property to Purchasers for Resale
130.215 Further Illustrations
130.220 Sales to Lessors of Tangible Personal Property

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305 Farm Machinery and Equipment
130.310 Food, Drugs, Medicines and Medical Appliances
130.315 Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320 Gasohol
130.321 Fuel Used by Air Common Carriers in International Flights
130.325 Graphic Arts Machinery and Equipment Exemption
130.330 Manufacturing Machinery and Equipment
130.331 Manufacturer's Purchase Credit
130.335 Pollution Control Facilities
130.340 Rolling Stock
130.345 Oil Field Exploration, Drilling and Production Equipment
130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART D: GROSS RECEIPTS

Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.410 Cost of Doing Business Not Deductible
130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.450 Installation, Alteration and Special Service Charges
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location
130.535 Registration--Separate Returns for Separately Registered Locations
Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
Returns on a Transaction by Transaction Basis
Registrants Must File a Return for Every Return Period
Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.720 Separate Registrations for Different Places of Business of Same
130.725 Taxpayer Under Some Circumstances
130.730 Display
130.730 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
130.801 General Requirements
130.805 What Records Constitute Minimum Requirement
130.810 Records Required to Support Deductions
130.815 Preservation and Retention of Records
130.820 Preservation of Books During Pendency of Assessment Proceedings
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
130.901 Civil Penalties
130.905 Interest
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
130.1201 General Information
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1301 When Lessee of Premises Must File Return for Leased Department
130.1305 When Lessor of Premises Should File Return for Leased Department
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
130.1410 Requirements for Certificates of Resale (Repealed)
130.1415 Resale Number--When Required and How Obtained
130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
130.1501 Claims for Credit--Limitations--Procedure
130.1505 Disposition of Credit Memoranda by Holders Thereof
130.1510 Refunds
130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section
130.1601 When Returns are Required After a Business is Discontinued
130.1605 When Returns Are Not Required After Discontinuation of a Business
130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section
130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section
130.1801 When Powers of Attorney May be Given
130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section
130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
 Stamps and Like Articles
 130.1915 Auctioneers and Agents
 130.1920 Barbers and Beauty Shop Operators
 130.1925 Blacksmiths
 130.1930 Chiropodists, Osteopaths and Chiropractors
 130.1935 Computer Software
 130.1940 Construction Contractors and Real Estate Developers
 130.1945 Co-operative Associations
 130.1950 Dentists
 130.1951 Enterprise Zones
 130.1952 Sales of Building Materials to a High Impact Business
 130.1955 Farm Chemicals
 130.1960 Finance Companies and Other Lending Agencies - Installment Contracts
 - Repossessions
 130.1965 Florists and Nurserymen
 130.1970 Hatcheries
 130.1975 Operators of Games of Chance and Their Suppliers
 130.1980 Optometrists and Opticians
 130.1985 Pawnbrokers
 130.1990 Peddlers, Hawkers and Itinerant Vendors
 130.1995 Personalizing Tangible Personal Property
 130.2000 Persons Engaged in the Printing, Graphic Arts or Related
 Occupations, and Their Suppliers
 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar
 Enterprises Operated as Businesses, and Suppliers of Such Persons
 130.2006 Sales by Teacher-Sponsored Student Organizations
 130.2007 Exemption Identification Numbers
 130.2008 Sales by Nonprofit Service Enterprises
 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to
 Others
 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt
 Hospitals
 130.2012 Sales to Persons Who Lease Tangible Personal Property to
 Governmental Bodies
 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
 130.2020 Physicians and Surgeons
 130.2025 Picture-Framers
 130.2030 Public Amusement Places
 130.2035 Registered Pharmacists and Druggists
 130.2040 Retailers of Clothing
 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art
 Shows, Flea Markets and the Like
 130.2050 Sales and Gifts by Employers to Employees
 130.2055 Sales by Governmental Bodies
 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
 130.2065 Sales of Automobiles for Use in Demonstration
 130.2070 Sales of Containers, Wrapping and Packing Materials and Related

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Products
 130.2075 Sales to Construction Contractors, Real Estate Developers and
 Speculative Builders
 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular
 Personnel
 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit
 Unions
 130.2090 Sales to Railroad Companies
 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
 130.2100 Sellers of Feeds and Breeding Livestock
 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph
 Records and Their Suppliers
 130.2110 Sellers of Seeds and Fertilizer
 130.2115 Sellers of Machinery, Tools and the Like
 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
 130.2125 Trading Stamps and Discount Coupons
 130.2130 Undertakers and Funeral Directors
 130.2135 Vending Machines
 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar
 Items Made to Order
 130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums,
 Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS
 120] and authorized by Section 39b3 of the Civil Administrative Code of
 Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective
 December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979;
 amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at
 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p.
 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective
 October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979;
 amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980;
 amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.
 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective
 November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended
 at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229;
 recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective
 December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended
 at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5552, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1940 Construction Contractors and Real Estate Developers

a) Definitions

- 1) "Construction Contractor." The word "construction contractor" when used herein includes general contractor, subcontractor and specialized contractor such as a landscape contractor. "Contractor" means any person who is engaged in the occupation of entering into and performing construction contracts for owners.
- 2) "Owner" means any person who enters into a contract with a

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 3) "Contractor" means relative to the construction of a structure.
- 4) "Construct" means build, erect, construct, reconstruct, install, plant, repair, renovate or remodel.
- 5) "Structure" includes any building, house, edifice, tunnel, sewer, highway, road, bridge or any other type of structure, or any part thereof (including any system of plumbing, heating, ventilating, refrigerating, air conditioning, or any part thereof), or any other improvement to real estate.
- 6) "Materials" means all of the tangible personal property, including fixtures, which enter into a structure or otherwise become incorporated into real estate.
- 7) "Construction Contract" means a contract, written or oral, to "construct" (as that term is defined in subsection (a)(3) above), a "structure" (as that term is defined in subsection (a)(4), above) or to otherwise incorporate tangible personal property into real estate.
- 8) "Real Estate Developer" means any person engaged in the business of transferring title (legal or equitable) to real estate to others. The term does not include an isolated or occasional sale of real estate by a person not engaged in the business of selling real estate, and the term does not include a person who acts merely as agent for a commission to bring sellers and buyers of real estate together without ever actually taking either the legal or the equitable title to the real estate.
- 9) Construction Contractors -- When Liable For Tax
 - 1) Construction contractors incur Retailers' Occupation Tax liability when they engage in selling any kind of tangible personal property without installation to purchasers for use or consumption.
 - 2) A construction contractor incurs Retailers' Occupation Tax liability when he sells furniture and furnishings, curtains, drapes, floor covering (except when he cements or otherwise permanently affixes the floor covering to a portion of the building), trade fixtures and machinery (unless in the case of machinery Section 130.2115(b) of this Part applies) to purchasers for use or consumption, with or without installation by the seller, whether or not the seller furnishes and installs such items as a part of a construction contract. The same is true where he purchases and sells in finished form gas or electric stoves, refrigerators, washing machines, portable ventilating units and other portable equipment of this kind, which may be connected to and operated from a building's electrical, plumbing or other specialized system, but which is not actually a part of any such system and is considered to remain personal property when installed, even if the contractor does install such equipment pursuant to a construction contract.
 - 3) For information concerning the seller's taxability on receipts from installation charges where the seller is taxable

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

notwithstanding his installation of the item, see Section 130.450 of this Part.

- 4) If the seller is taxable notwithstanding installation, but the sale and installation are made by the seller pursuant to his performance of a construction contract, the seller's receipts from that part of the transaction which actually comprises the construction contract are not subject to the Retailers' Occupation Tax. In this situation, if a separate charge is made for the tangible personal property as to which the construction contractor is taxable, the value of such property for purposes of computing the Retailers' Occupation Tax is the amount charged for such property, but not less than the cost of such property to the construction contractor. If no separate charge is made in this situation for the tangible personal property as to which the construction contractor incurs Retailers' Occupation Tax liability, the value of such property for computing the Retailers' Occupation Tax is the cost of such property to the construction contractor.

c) Construction Contractors -- When Not Liable For Tax

A construction contractor does not incur Retailers' Occupation Tax liability as to receipts from labor furnished and tangible personal property (materials and fixtures) incorporated into a structure as an integral part thereof for an owner when furnished and installed as an incident of a construction contract. For example, a construction contractor does not incur Retailers' Occupation Tax liability on receipts from selling and installing screen doors and windows; storm doors and windows; weather stripping; insulation material; Venetian blinds; window shades; awnings; cabinets built into the structure; floor coverings cemented or otherwise permanently affixed to the structure by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips"), but not including floor coverings that are area rugs or that are attached to the structure using only two-sided tape (~~tacking--not-to-be--considered--to-be-permanent--affixation~~); plumbing systems or parts thereof, such as bathtubs, lavatories, sinks, faucets, water pumps, water heaters, water softeners, water pipes, etc.; heating systems or parts thereof, such as furnaces, stokers, boilers, heating pipes, etc.; ventilation systems or parts thereof; commercial refrigeration systems or parts thereof; electrical systems or parts thereof; brick; lumber; sheet metal; roofing materials, and other similar items. A landscape contractor does not incur Retailers' Occupation Tax liability as to receipts from labor furnished and tangible personal property incorporated into real estate as an integral part thereof for an owner when furnished and installed as an incident to a landscape contract. For example, a landscape contractor does not incur Retailers' Occupation Tax liability on receipts from selling and installing plants such as trees, shrubs, seedlings, sod and grass seed when planted in the ground, including

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

fertilizer, mulch and soil incorporated into the ground in connection with such planting (plants sold in pots or other containers without being planted in the ground by the landscape contractor are not deemed to be planted in the ground). However, for information concerning the fact that a construction contractor is taxable on his cost price of the tangible personal property that he purchases and incorporates into real estate, see Section 130.2075 of this Part.

d) Real Estate Developers

- 1) A real estate developer does not incur Retailers' Occupation Tax liability on his receipts from selling real estate. However, for information concerning the fact that a real estate developer is taxable on his cost price of the tangible personal property that he purchases and incorporates into real estate, see Section 130.2075 of this Part.

- 2) A real estate developer incurs Retailers' Occupation Tax liability when transferring, to a user, tangible personal property which he purchases and sells in a finished form, and which remains personal property when installed, even though he includes the transfer of such tangible personal property in his sale of or his contract to sell real estate. The value of such tangible personal property for computing Retailers' Occupation Tax is the amount charged for such tangible personal property by the transferor if a separate charge is made, but not less than the cost of such tangible personal property to the transferor. If no separate charge is made for such tangible personal property, the value of such property for computing Retailers' Occupation Tax is the cost of such property to the transferor.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 130.1951 Enterprise Zones

- a) Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone

- 1) Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an enterprise zone by remodeling, rehabilitation or new construction. (Section 5k of the Act)
- 2) The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated. In order to establish that the retailer is located in the municipality or unincorporated area of the county which has established the enterprise zone, the retailer must at the time of sale:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- A) have an identifiable physical presence in the municipality or the unincorporated area of the county that has established the enterprise zone;
 - B) be registered with the Department as a retailer at a location in the municipality or in the unincorporated area of the county that has established the enterprise zone; and
 - C) be able to document the acceptance of purchase orders at a location in the municipality or the unincorporated area of the county that has established the enterprise zone.
- 3) In order to establish that the purchaser purchased qualifying building materials from a qualified retailer, the following two separate transactions must exist:

- A) a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone (exempt as sales for resale); and
- B) a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser (exempt by reason of the enterprise zone building materials exemption).

Note: Each of these transactions must exist independent of the other, and the exemption applicable to each transaction must be properly documented. These transactions must be reflected in the books and records of the qualified retailer.

- 4) The following documentation establishes a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone:

- A) a purchase order from the retailer to the supplier;
- B) a Certificate of Resale from the retailer to the supplier;
- C) an invoice from the supplier to the retailer; and
- D) payment to the supplier from the retailer.

- 5) The following documentation establishes a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser:

- A) a purchase order from the purchaser to the retailer;
- B) an enterprise zone building materials certification from the purchaser to the retailer containing all of the information set forth at Section 130.1951(a)(6);
- C) an invoice from the retailer to the purchaser; and
- D) payment to the retailer from the purchaser.

- 6) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:

- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone;
- B) a description of the building materials being purchased (this may be done by a cross reference to the retailers' invoice number);

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
- D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county which established the enterprise zone named in the purchaser's statement); and
- E) the purchaser's signature and date of signing.

- 7) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

- A) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the deduction;
- B) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the deduction;
- C) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the deduction;
- D) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the real estate can qualify for the deduction;
- E) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the real estate can qualify for the deduction;
- F) built-in cabinets and other woodwork which are physically incorporated into the real estate can qualify for the deduction;
- G) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the real estate can qualify for the deduction;
- H) floor coverings such as tile, linoleum and carpeting that ~~which are~~ are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") ~~tacking is~~ not-considered-to-be-physical-incorporation can qualify for the deduction.

- 8) Items which are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of:

- A) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at an enterprise zone building site, but which are not physically

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

incorporated into the real estate, do not qualify for the deduction:

- B) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the deduction;
- C) tacked-down--carpeting--and-other floor coverings that which are area rugs or that are attached to the structure using only two-sided tape not-physically-incorporated-into-real estate do not qualify for the deduction.

- b) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales of tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease so long as the use or consumption is made by business enterprises which in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act [20 ILCS 625/5.5] or which in the case of an enterprise zone:

- A) Either:
 - (i) make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
 - (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - (iii) make investments of a minimum of \$40,000,000; and
- B) are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and
- C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (b)(1)(A) and (B); and
- D) Retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption. (Sections 1d and 1f of the Act)

- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

purposes of this exemption.

- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, manufacturing and assembling have the same meaning as ascribed at Section 130.330(b)(2) through (8) of this Part.
- 4) The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment. (Section 1d of the Act)
- 5) For example, this exemption extends to:
 - A) machinery and equipment which would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment;
 - B) hand tools used in the activities set out at Section 130.330(d)(3) of this Part;
 - C) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part;
 - D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
 - E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
 - F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part; and
 - G) protective clothing and safety equipment such as gloves,

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.

6) The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity which is essential to manufacturing or assembling. For example, the exemption does not extend to:

- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the manufacturing machinery and equipment exemption;
- B) tangible personal property used or consumed in research and development of new products, production techniques or production machinery;
- C) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;
- D) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
- E) tangible personal property used to transport work-in-process or finished articles between production plants;
- F) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;
- G) tangible personal property used or consumed as general production plant safety equipment;
- H) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;
- I) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

sale, such as restaurants, vending machines and food service establishments;

J) fuel used or consumed in the operation of any machinery or equipment which would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;

K) building materials which become physically incorporated into foundations or housings for machinery and equipment--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met; and

L) building materials dedicated to general construction purposes at a production plant--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met.

8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Product Use

The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part which is incorporated by reference herein.

10) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".

11) Exemption Certification

A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)

B) So long as a copy of a current certificate of eligibility

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.

- c) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) No State or local Retailers' Occupation Tax applies to retail sales of tangible personal property to be used or consumed within an enterprise zone. . . in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons so long as the use or consumption is made by business enterprises that:

- A) Either:
- (i) make investments which cause the creation of a minimum of 200 full-time jobs in Illinois; or
 - (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
 - (iii) make investments of a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- B) are located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act; and
- C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (c)(1)(A), (B) and (C). (Sections 1d and 1f of the Act)

- 2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

- 3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) of this Part.

- 4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment. (Section 1d of the Act)

- 5) For example, this exemption extends to:

- A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325(c)(3) of this Part and for repair and replacement parts for such machinery and equipment;
- B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(c)(3) of this Part;
- C) materials and prep supplies, such as mylar, masking sheets, developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(c)(3) of this Part;
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain,

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

repair or operate machinery or equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.

6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity which is essential to graphic arts production. For example, the exemption does not extend to:

A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the graphic arts production exemption;

B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;

C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;

D) tangible personal property used to transport work-in-process or finished articles between production plants;

E) machinery or equipment used to place the printed product in the container, package or wrapping in which such property is normally sold to the ultimate consumer thereof;

F) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;

G) Xerographic or photocopying machines;

H) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production;

I) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer which generates an image which may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system which produces printing cylinders and computer-controlled digital typesetting equipment would qualify;

J) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;

K) tangible personal property used or consumed as general production plant safety equipment; or

L) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.

8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.325(d) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises."

10) Exemption Certification

A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and

ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)

- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.
- d) Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

- 1) Effective September 25, 1985, subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 625/5.5] the Illinois Retailers' Occupation Tax does not apply to gross receipts from retail sales of tangible personal property to be used or consumed in the operation of pollution control facilities ... within an enterprise zone (Section 1e of the Act) so long as the use or consumption is made by a business enterprise which has complied with the requirements set out at subsection(b)(1)(A), (B) and (C) of this Section.

- 2) The phrase "pollution control facilities" is defined as:

- A) ... any system, method, construction, device, or appliance

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term 'air pollution' or 'water pollution' is defined in the 'Environmental Protection Act' ... or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property. (Section 1a of the Act)

- B) The exemption for pollution control facilities described at Section 130.330 of this Part extends only to pollution control facilities and replacement parts therefor.

- 3) However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:

- A) fuel used in operating pollution control facilities;
 B) chemicals used in the operation of pollution control facilities;
 C) catalysts used in the operation of pollution control facilities;
 D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;
 E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;
 F) lubricants and coolants used in the operation of pollution control facilities;
 G) protective clothing and safety equipment used in the operation of pollution control facilities;
 H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone;
 I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and
 J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

4) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities which are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:

- A) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;
 - B) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;
 - C) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or
 - D) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.
- 5) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

6) Sales to Lessors of Certified Business Enterprises

A) For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise which uses the items in an exempt manner, the sale to the purchaser-lessee will be exempt from tax. A supplier may deduct such sales from his taxable gross receipts provided the purchaser-lessee provides to him a properly completed exemption certificate and the information contained thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.

B) Should a purchaser-lessee lease the items to a lessee which is not a certified business enterprise or to a certified business enterprise which does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser-lessee will become liable for the tax from which he was previously exempted.

7) Exemption Certification

A) When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- ii) a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use of consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.

B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- a) On and after January 1, 1986, and prior to January 1, 1995, a retailer who makes a sale of building materials to a High Impact Business ("HIB") may file claims for credit or refund to recover the amount of tax paid under the Retailers' Occupation Tax Act. (Section 51 of the Act)
- b) Effective January 1, 1995, a deduction from only the 6.25% rate for the Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials that will be incorporated into a HIB location as designated by the Department of Commerce and Community Affairs under Section 5.5 of the Illinois Enterprise Zone Act. (Section 51 of the Act) Effective June 30, 1995, a retailer may also deduct receipts from such sales when calculating any applicable local taxes. Until June 30, 1995, a retailer may file claims for credit or refund as discussed in subsection (a) to recover the amount of any applicable local tax paid on such sales.
- c) A retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:
- 1) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into a HIB location;
 - 2) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
 - 3) the name of the HIB location into which the building materials will be incorporated and, if applicable, the street address of the real estate; and
 - 4) the purchaser's signature and date of signing.
- d) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into a HIB location. For example, gross receipts from sales of the following can qualify for the deduction:
- 1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal;
 - 2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes;
 - 3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators;
 - 4) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the HIB location;
 - 5) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the HIB location;
 - 6) built-in cabinets and other woodwork which is physically incorporated into the HIB location;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 7) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the HIB location;
- 8) floor coverings such as tile, linoleum and carpeting that which are ~~is~~ glued or otherwise permanently affixed to the HIB location by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") ~~tacking is not considered to be~~ ~~physical incorporation~~;
- 9) landscape products such as trees, shrubs, topsoil and sod which are physically incorporated (i.e., transplanted) into the HIB location.
- e) Items that are not physically incorporated into a HIB location cannot qualify for the deduction. For example, gross receipts from sales of the following do not qualify for the deduction:
- 1) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at a HIB location, but which are not physically incorporated into the HIB location;
 - 2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems;
 - 3) ~~tacked-down--carpeting--and--other floor coverings that which are area rugs or that are attached to the structure using only two-sided tape not physically incorporated into the HIB location.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: Proposed Action:
150.Table A Amendment
- 4) Statutory Authority: 35 ILCS 105
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the tax collection brackets at Section 150.Table A of the Use Tax regulations. All price listings of "0.00" will be changed to "0.01".
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217)782-6996

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any entities that pay or collect Use Tax may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How To Compute Depreciation
150.110	How To Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.331	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.332	

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section	Collection of the Tax by Retailers From Users
150.401	Tax Collection Brackets
150.405	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.410	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.425	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.500	Optional 1% Schedule (Repealed)
150.505	Exact Collection of Tax Required When Practicable
150.510	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.515	Display of Tax Collection Schedule
150.520	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates
150.525	

SUBPART E: RECEIPT FOR THE TAX

Section	Requirements
150.601	

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	When and Where to File a Return
150.701	Use Tax on Items that are Titled or Registered in Illinois
150.705	Procedure in Claiming Exemption from Use Tax
150.710	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.715	Display Certificates for House Trailers
150.716	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.720	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.725	Direct Reporting of Use Tax to Department by Registered Retailers
150.730	

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	When Out-of-State Retailers Must Register and Collect Use Tax
150.801	Voluntary Registration by Certain Out-of-State Retailers
150.805	

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS
BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit--Limitations--Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by

Section 39b28 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b28].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. _____, effective _____.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section 150.TABLE A Tax Collection Brackets

1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 3.99
4.00 TO 11.99

TAX IS:
0.00
0.01

1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 1.99
2.00 TO 5.99
6.00 TO 9.99

TAX IS:
0.00
0.01
0.02

1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO .99
1.00 TO 2.99
3.00 TO 4.99
5.00 TO 6.99
7.00 TO 8.99

TAX IS:
0.00
0.01
0.02
0.03
0.04

3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.66
0.67 TO 1.99
2.00 TO 3.33
3.34 TO 4.66
4.67 TO 5.99
6.00 TO 7.33
7.34 TO 8.66
8.67 TO 9.99

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07

1% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.49
0.50 TO 1.49
1.50 TO 2.49
2.50 TO 3.49
3.50 TO 4.49

TAX IS:
0.00
0.01
0.02
0.03
0.04

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.50 TO 5.49
5.50 TO 6.49
6.50 TO 7.49
7.50 TO 8.49
8.50 TO 9.49

TAX IS:
0.05
0.06
0.07
0.08
0.09

1 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.44
0.45 TO 1.33
1.34 TO 2.22
2.23 TO 3.11
3.12 TO 3.99
4.00 TO 4.88
4.89 TO 5.77
5.78 TO 6.66
6.67 TO 7.55
7.56 TO 8.44
8.45 TO 9.33

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10

1 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.39
0.40 TO 1.19
1.20 TO 1.99
2.00 TO 2.79
2.80 TO 3.59
3.60 TO 4.39
4.40 TO 5.19
5.20 TO 5.99
6.00 TO 6.79
6.80 TO 7.59
7.60 TO 8.39
8.40 TO 9.19
9.20 TO 9.99

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12

1 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.33
0.34 TO 0.99
1.00 TO 1.66
1.67 TO 2.33
2.34 TO 2.99
3.00 TO 3.66

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.67 TO 4.33
4.34 TO 4.99
5.00 TO 5.66
5.67 TO 6.33
6.34 TO 6.99
7.00 TO 7.66
7.67 TO 8.33
8.34 TO 8.99
9.00 TO 9.66

1 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.28

TAX IS:

0.00
0.29 TO 0.85
0.86 TO 1.42
1.43 TO 1.99
2.00 TO 2.57
2.58 TO 3.14
3.15 TO 3.71
3.72 TO 4.28
4.29 TO 4.85
4.86 TO 5.42
5.43 TO 5.99
6.00 TO 6.57
6.58 TO 7.14
7.15 TO 7.71
7.72 TO 8.28
8.29 TO 8.85
8.86 TO 9.42
9.43 TO 9.99

2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.24

TAX IS:

0.00
0.25 TO 0.74
0.75 TO 1.24
1.25 TO 1.74
1.75 TO 2.24
2.25 TO 2.74
2.75 TO 3.24
3.25 TO 3.74
3.75 TO 4.24
4.25 TO 4.74
4.75 TO 5.24

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

5.25 TO 5.74
5.75 TO 6.24
6.25 TO 6.74
6.75 TO 7.24
7.25 TO 7.74
7.75 TO 8.24
8.25 TO 8.74
8.75 TO 9.24
9.25 TO 9.74

2 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.23

TAX IS:

0.00
0.24 TO 0.70
0.71 TO 1.17
1.18 TO 1.64
1.65 TO 2.11
2.12 TO 2.58
2.59 TO 3.05
3.06 TO 3.52
3.53 TO 3.99
4.00 TO 4.47
4.48 TO 4.94
4.95 TO 5.41
5.42 TO 5.88
5.89 TO 6.35
6.36 TO 6.82
6.83 TO 7.29
7.30 TO 7.76
7.77 TO 8.23
8.24 TO 8.70
8.71 TO 9.17
9.18 TO 9.64

2 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.22

TAX IS:

0.00
0.23 TO 0.66
0.67 TO 1.11
1.12 TO 1.55
1.56 TO 1.99
2.00 TO 2.44
2.45 TO 2.88
2.89 TO 3.33

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.34 TO 3.77 0.08
3.78 TO 4.22 0.09
4.23 TO 4.66 0.10
4.67 TO 5.11 0.11
5.12 TO 5.55 0.12
5.56 TO 5.99 0.13
6.00 TO 6.44 0.14
6.45 TO 6.88 0.15
6.89 TO 7.33 0.16
7.34 TO 7.77 0.17
7.78 TO 8.22 0.18
8.23 TO 8.66 0.19
8.67 TO 9.11 0.20
9.12 TO 9.55 0.21
9.56 TO 9.99 0.22

2 1/2% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.19
0.20 TO 0.59 0.00
0.60 TO 0.99 0.01
1.00 TO 1.39 0.02
1.40 TO 1.79 0.03
1.80 TO 2.19 0.04
2.20 TO 2.59 0.05
2.60 TO 2.99 0.06
3.00 TO 3.39 0.07
3.40 TO 3.79 0.08
3.80 TO 4.19 0.09
4.20 TO 4.59 0.10
4.60 TO 4.99 0.11
5.00 TO 5.39 0.12
5.40 TO 5.79 0.13
5.80 TO 6.19 0.14
6.20 TO 6.59 0.15
6.60 TO 6.99 0.16
7.00 TO 7.39 0.17
7.40 TO 7.79 0.18
7.80 TO 8.19 0.19
8.20 TO 8.59 0.20
8.60 TO 8.99 0.21
9.00 TO 9.39 0.22
9.40 TO 9.79 0.23
9.80 TO 10.19 0.24

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TAX IS:

IF TRANSACTION IS:

0.01 0-00 TO 0.18
0.19 TO 0.54 0.00
0.55 TO 0.90 0.01
0.91 TO 1.27 0.02
1.28 TO 1.63 0.03
1.64 TO 1.99 0.04
2.00 TO 2.36 0.05
2.37 TO 2.72 0.06
2.73 TO 3.09 0.07
3.10 TO 3.45 0.08
3.46 TO 3.81 0.09
3.82 TO 4.18 0.10
4.19 TO 4.54 0.11
4.55 TO 4.90 0.12
4.91 TO 5.27 0.13
5.28 TO 5.63 0.14
5.64 TO 5.99 0.15
6.00 TO 6.36 0.16
6.37 TO 6.72 0.17
6.73 TO 7.09 0.18
7.10 TO 7.45 0.19
7.46 TO 7.81 0.20
7.82 TO 8.18 0.21
8.19 TO 8.54 0.22
8.55 TO 8.90 0.23
8.91 TO 9.27 0.24
9.28 TO 9.63 0.25
9.64 TO 9.99 0.26
10.00 TO 10.35 0.27

3% Tax Rate

IF TRANSACTION IS:

0.01 0-00 TO 0.16
0.17 TO 0.49 0.00
0.50 TO 0.83 0.01
0.84 TO 1.16 0.02
1.17 TO 1.49 0.03
1.50 TO 1.83 0.04
1.84 TO 2.16 0.05
2.17 TO 2.49 0.06
2.50 TO 2.83 0.07
2.84 TO 3.16 0.08
3.17 TO 3.49 0.09
3.50 TO 3.83 0.10
3.84 TO 4.16 0.11
4.17 TO 4.49 0.12
4.50 TO 4.83 0.13

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13

2 3/4% Tax Rate

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.50 TO 4.83 0.14
4.84 TO 5.16 0.15
5.17 TO 5.49 0.16
5.50 TO 5.83 0.17
5.84 TO 6.16 0.18
6.17 TO 6.49 0.19
6.50 TO 6.83 0.20
6.84 TO 7.16 0.21
7.17 TO 7.49 0.22
7.50 TO 7.83 0.23
7.84 TO 8.16 0.24
8.17 TO 8.49 0.25
8.50 TO 8.83 0.26
8.84 TO 9.16 0.27
9.17 TO 9.49 0.28
9.50 TO 9.83 0.29

3 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.15

TAX IS:

0.16 TO 0.47 0.00
0.48 TO 0.79 0.01
0.80 TO 1.11 0.03
1.12 TO 1.43 0.04
1.44 TO 1.75 0.05
1.76 TO 2.07 0.06
2.08 TO 2.39 0.07
2.40 TO 2.71 0.08
2.72 TO 3.03 0.09
3.04 TO 3.35 0.10
3.36 TO 3.67 0.11
3.68 TO 3.99 0.12
4.00 TO 4.31 0.13
4.32 TO 4.63 0.14
4.64 TO 4.95 0.15
4.96 TO 5.27 0.16
5.28 TO 5.59 0.17
5.60 TO 5.91 0.18
5.92 TO 6.23 0.19
6.24 TO 6.55 0.20
6.56 TO 6.87 0.21
6.88 TO 7.19 0.22
7.20 TO 7.51 0.23
7.52 TO 7.83 0.24
7.84 TO 8.15 0.25
8.16 TO 8.47 0.26

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

8.48 TO 8.79 0.27
8.80 TO 9.11 0.28
9.12 TO 9.43 0.29
9.44 TO 9.75 0.30

3 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.15

TAX IS:

0.16 TO 0.46 0.00
0.47 TO 0.76 0.01
0.77 TO 1.07 0.02
1.08 TO 1.38 0.03
1.39 TO 1.69 0.04
1.70 TO 1.99 0.05
2.00 TO 2.30 0.06
2.31 TO 2.61 0.07
2.62 TO 2.92 0.08
2.93 TO 3.23 0.09
3.24 TO 3.53 0.10
3.54 TO 3.84 0.11
3.85 TO 4.15 0.12
4.16 TO 4.46 0.13
4.47 TO 4.76 0.14
4.77 TO 5.07 0.15
5.08 TO 5.38 0.16
5.39 TO 5.69 0.17
5.70 TO 5.99 0.18
6.00 TO 6.30 0.19
6.31 TO 6.61 0.20
6.62 TO 6.92 0.21
6.93 TO 7.23 0.22
7.24 TO 7.53 0.23
7.54 TO 7.84 0.24
7.85 TO 8.15 0.25
8.16 TO 8.46 0.26
8.47 TO 8.76 0.27
8.77 TO 9.07 0.28
9.08 TO 9.38 0.29
9.39 TO 9.69 0.30
9.70 TO 9.99 0.31
9.70 TO 9.99 0.32

3 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.14

TAX IS:

0.00

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.15	TO	0.42	0.01
0.43	TO	0.71	0.02
0.72	TO	0.99	0.03
1.00	TO	1.28	0.04
1.29	TO	1.57	0.05
1.58	TO	1.85	0.06
1.86	TO	2.14	0.07
2.15	TO	2.42	0.08
2.43	TO	2.71	0.09
2.72	TO	2.99	0.10
3.00	TO	3.28	0.11
3.29	TO	3.57	0.12
3.58	TO	3.85	0.13
3.86	TO	4.14	0.14
4.15	TO	4.42	0.15
4.43	TO	4.71	0.16
4.72	TO	4.99	0.17
5.00	TO	5.28	0.18
5.29	TO	5.57	0.19
5.58	TO	5.85	0.20
5.86	TO	6.14	0.21
6.15	TO	6.42	0.22
6.43	TO	6.71	0.23
6.72	TO	6.99	0.24
7.00	TO	7.28	0.25
7.29	TO	7.57	0.26
7.58	TO	7.85	0.27
7.86	TO	8.14	0.28
8.15	TO	8.42	0.29
8.43	TO	8.71	0.30
8.72	TO	8.99	0.31
9.00	TO	9.28	0.32
9.29	TO	9.57	0.33
9.58	TO	9.85	0.34

3 3/4% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01	0.00
0.14	TO 0.13
0.40	TO 0.39
0.40	TO 0.66
0.67	TO 0.93
0.94	TO 1.19
1.20	TO 1.46
1.47	TO 1.73
1.74	TO 1.99
2.00	TO 2.26

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2.27	TO	2.53	0.09
2.54	TO	2.79	0.10
2.80	TO	3.06	0.11
3.07	TO	3.33	0.12
3.34	TO	3.59	0.13
3.60	TO	3.86	0.14
3.87	TO	4.13	0.15
4.14	TO	4.39	0.16
4.40	TO	4.66	0.17
4.67	TO	4.93	0.18
4.94	TO	5.19	0.19
5.20	TO	5.46	0.20
5.47	TO	5.73	0.21
5.74	TO	5.99	0.22
6.00	TO	6.26	0.23
6.27	TO	6.53	0.24
6.54	TO	6.79	0.25
6.80	TO	7.06	0.26
7.07	TO	7.33	0.27
7.34	TO	7.59	0.28
7.60	TO	7.86	0.29
7.87	TO	8.13	0.30
8.14	TO	8.39	0.31
8.40	TO	8.66	0.32
8.67	TO	8.93	0.33
8.94	TO	9.19	0.34
9.20	TO	9.46	0.35
9.47	TO	9.73	0.36
9.74	TO	9.99	0.37

4% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01	0.00
0.13	TO 0.12
0.38	TO 0.37
0.63	TO 0.62
0.88	TO 0.87
1.13	TO 1.12
1.38	TO 1.37
1.63	TO 1.62
1.88	TO 1.87
2.13	TO 2.12
2.38	TO 2.37
2.63	TO 2.62
2.88	TO 2.87
3.13	TO 3.12
3.37	TO 3.36

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.38 TO 3.62
3.63 TO 3.87
3.88 TO 4.12
4.13 TO 4.37
4.38 TO 4.62
4.63 TO 4.87
4.88 TO 5.12
5.13 TO 5.37
5.38 TO 5.62
5.63 TO 5.87
5.88 TO 6.12
6.13 TO 6.37
6.38 TO 6.62
6.63 TO 6.87
6.88 TO 7.12
7.13 TO 7.37
7.38 TO 7.62
7.63 TO 7.87
7.88 TO 8.12
8.13 TO 8.37
8.38 TO 8.62
8.63 TO 8.87
8.88 TO 9.12
9.13 TO 9.37
9.38 TO 9.62
9.63 TO 9.87

0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39

4 1/8% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0.00 TO 0.12
0.13 TO 0.36
0.37 TO 0.60
0.61 TO 0.84
0.85 TO 1.09
1.10 TO 1.33
1.34 TO 1.57
1.58 TO 1.81
1.82 TO 2.06
2.07 TO 2.30
2.31 TO 2.54
2.55 TO 2.78
2.79 TO 3.03
3.04 TO 3.27
3.28 TO 3.51
3.52 TO 3.75
3.76 TO 3.99

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.00 TO 4.24
4.25 TO 4.48
4.49 TO 4.72
4.73 TO 4.96
4.97 TO 5.21
5.22 TO 5.45
5.46 TO 5.69
5.70 TO 5.93
5.94 TO 6.18
6.19 TO 6.42
6.43 TO 6.66
6.67 TO 6.90
6.91 TO 7.15
7.16 TO 7.39
7.40 TO 7.63
7.64 TO 7.87
7.88 TO 8.12
8.13 TO 8.36
8.37 TO 8.60
8.61 TO 8.84
8.85 TO 9.09
9.10 TO 9.33
9.34 TO 9.57
9.58 TO 9.81

0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40

4 1/4% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0.00 TO 0.11
0.12 TO 0.35
0.36 TO 0.58
0.59 TO 0.82
0.83 TO 1.05
1.06 TO 1.29
1.30 TO 1.52
1.53 TO 1.76
1.77 TO 1.99
2.00 TO 2.23
2.24 TO 2.47
2.48 TO 2.70
2.71 TO 2.94
2.95 TO 3.17
3.18 TO 3.41
3.42 TO 3.64
3.65 TO 3.88
3.89 TO 4.11
4.12 TO 4.35

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.36 TO 4.58 0.19
4.59 TO 4.82 0.20
4.83 TO 5.05 0.21
5.06 TO 5.29 0.22
5.30 TO 5.52 0.23
5.53 TO 5.76 0.24
5.77 TO 5.99 0.25
6.00 TO 6.23 0.26
6.24 TO 6.47 0.27
6.48 TO 6.70 0.28
6.71 TO 6.94 0.29
6.95 TO 7.17 0.30
7.18 TO 7.41 0.31
7.42 TO 7.64 0.32
7.65 TO 7.88 0.33
7.89 TO 8.11 0.34
8.12 TO 8.35 0.35
8.36 TO 8.58 0.36
8.59 TO 8.82 0.37
8.83 TO 9.05 0.38
9.06 TO 9.29 0.39
9.30 TO 9.52 0.40
9.53 TO 9.76 0.41
9.77 TO 9.99 0.42

4 1/2% Tax Rate

IF TRANSACTION IS:

0.01 0.06 TO 0.11
0.12 TO 0.33
0.34 TO 0.55
0.56 TO 0.77
0.78 TO 0.99
1.00 TO 1.22
1.23 TO 1.44
1.45 TO 1.66
1.67 TO 1.88
1.89 TO 2.11
2.12 TO 2.33
2.34 TO 2.55
2.56 TO 2.77
2.78 TO 2.99
3.00 TO 3.22
3.23 TO 3.44
3.45 TO 3.66
3.67 TO 3.88
3.89 TO 4.11

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.12 TO 4.33 0.19
4.34 TO 4.55 0.20
4.56 TO 4.77 0.21
4.78 TO 4.99 0.22
5.00 TO 5.22 0.23
5.23 TO 5.44 0.24
5.45 TO 5.66 0.25
5.67 TO 5.88 0.26
5.89 TO 6.11 0.27
6.12 TO 6.33 0.28
6.34 TO 6.55 0.29
6.56 TO 6.77 0.30
6.78 TO 6.99 0.31
7.00 TO 7.22 0.32
7.23 TO 7.44 0.33
7.45 TO 7.66 0.34
7.67 TO 7.88 0.35
7.89 TO 8.11 0.36
8.12 TO 8.33 0.37
8.34 TO 8.55 0.38
8.56 TO 8.77 0.39
8.78 TO 8.99 0.40
9.00 TO 9.22 0.41
9.23 TO 9.44 0.42
9.45 TO 9.66 0.43
9.67 TO 9.88 0.44

4 3/4% Tax Rate

IF TRANSACTION IS:

0.01 0.06 TO 0.10
0.11 TO 0.31
0.32 TO 0.52
0.53 TO 0.73
0.74 TO 0.94
0.95 TO 1.15
1.16 TO 1.36
1.37 TO 1.57
1.58 TO 1.78
1.79 TO 1.99
2.00 TO 2.21
2.22 TO 2.42
2.43 TO 2.63
2.64 TO 2.84
2.85 TO 3.05
3.06 TO 3.26
3.27 TO 3.47

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

2.30	TO	2.49	0.12
2.50	TO	2.69	0.13
2.70	TO	2.89	0.14
2.90	TO	3.09	0.15
3.10	TO	3.29	0.16
3.30	TO	3.49	0.17
3.50	TO	3.69	0.18
3.70	TO	3.89	0.19
3.90	TO	4.09	0.20
4.10	TO	4.29	0.21
4.30	TO	4.49	0.22
4.50	TO	4.69	0.23
4.70	TO	4.89	0.24
4.90	TO	5.09	0.25
5.10	TO	5.29	0.26
5.30	TO	5.49	0.27
5.50	TO	5.69	0.28
5.70	TO	5.89	0.29
5.90	TO	6.09	0.30
6.10	TO	6.29	0.31
6.30	TO	6.49	0.32
6.50	TO	6.69	0.33
6.70	TO	6.89	0.34
6.90	TO	7.09	0.35
7.10	TO	7.29	0.36
7.30	TO	7.49	0.37
7.50	TO	7.69	0.38
7.70	TO	7.89	0.39
7.90	TO	8.09	0.40
8.10	TO	8.29	0.41
8.30	TO	8.49	0.42
8.50	TO	8.69	0.43
8.70	TO	8.89	0.44
8.90	TO	9.09	0.45
9.10	TO	9.29	0.46
9.30	TO	9.49	0.47
9.50	TO	9.69	0.48
9.70	TO	9.89	0.49

5 1/8% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	TO 0.09	0.00
0.10	TO 0.29	0.01
0.30	TO 0.48	0.02
0.49	TO 0.68	0.03
0.69	TO 0.87	0.04

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

3.48	TO	3.68	0.17
3.69	TO	3.89	0.18
3.90	TO	4.10	0.19
4.11	TO	4.31	0.20
4.32	TO	4.52	0.21
4.53	TO	4.73	0.22
4.74	TO	4.94	0.23
4.95	TO	5.15	0.24
5.16	TO	5.36	0.25
5.37	TO	5.57	0.26
5.58	TO	5.78	0.27
5.79	TO	5.99	0.28
6.00	TO	6.21	0.29
6.22	TO	6.42	0.30
6.43	TO	6.63	0.31
6.64	TO	6.84	0.32
6.85	TO	7.05	0.33
7.06	TO	7.26	0.34
7.27	TO	7.47	0.35
7.48	TO	7.68	0.36
7.69	TO	7.89	0.37
7.90	TO	8.10	0.38
8.11	TO	8.31	0.39
8.32	TO	8.52	0.40
8.53	TO	8.73	0.41
8.74	TO	8.94	0.42
8.95	TO	9.15	0.43
9.16	TO	9.36	0.44
9.37	TO	9.57	0.45
9.58	TO	9.78	0.46
9.79	TO	9.99	0.47

5% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	TO 0.09	0.00
0.10	TO 0.29	0.01
0.30	TO 0.49	0.02
0.50	TO 0.69	0.03
0.70	TO 0.89	0.04
0.90	TO 1.09	0.05
1.10	TO 1.29	0.06
1.30	TO 1.49	0.07
1.50	TO 1.69	0.08
1.70	TO 1.89	0.09
1.90	TO 2.09	0.10
2.10	TO 2.29	0.11

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.88	TO	1.07	0.05
1.08	TO	1.26	0.06
1.27	TO	1.46	0.07
1.47	TO	1.65	0.08
1.66	TO	1.85	0.09
1.86	TO	2.04	0.10
2.05	TO	2.24	0.11
2.25	TO	2.43	0.12
2.44	TO	2.63	0.13
2.64	TO	2.82	0.14
2.83	TO	3.02	0.15
3.03	TO	3.21	0.16
3.22	TO	3.41	0.17
3.42	TO	3.60	0.18
3.61	TO	3.80	0.19
3.81	TO	3.99	0.20
4.00	TO	4.19	0.21
4.20	TO	4.39	0.22
4.40	TO	4.58	0.23
4.59	TO	4.78	0.24
4.79	TO	4.97	0.25
4.98	TO	5.17	0.26
5.18	TO	5.36	0.27
5.37	TO	5.56	0.28
5.57	TO	5.75	0.29
5.76	TO	5.95	0.30
5.96	TO	6.14	0.31
6.15	TO	6.34	0.32
6.35	TO	6.53	0.33
6.54	TO	6.73	0.34
6.74	TO	6.92	0.35
6.93	TO	7.12	0.36
7.13	TO	7.31	0.37
7.32	TO	7.51	0.38
7.52	TO	7.70	0.39
7.71	TO	7.90	0.40
7.91	TO	8.09	0.41
8.10	TO	8.29	0.42
8.30	TO	8.48	0.43
8.49	TO	8.68	0.44
8.69	TO	8.87	0.45
8.88	TO	9.07	0.46
9.08	TO	9.26	0.47
9.27	TO	9.46	0.48
9.47	TO	9.65	0.49
9.66	TO	9.85	0.50

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

5	1/4% Tax Rate	IF TRANSACTION IS: 0.01 0-00 TO 0.09	TAX IS:
	0.01 TO 0.28	0.00	
	0.10 TO 0.47	0.01	
	0.29 TO 0.66	0.02	
	0.48 TO 0.85	0.03	
	0.67 TO 1.04	0.04	
	0.86 TO 1.23	0.05	
	1.05 TO 1.42	0.06	
	1.24 TO 1.61	0.07	
	1.43 TO 1.80	0.08	
	1.62 TO 1.99	0.09	
	1.81 TO 2.19	0.10	
	2.00 TO 2.38	0.11	
	2.20 TO 2.57	0.12	
	2.39 TO 2.76	0.13	
	2.58 TO 2.95	0.14	
	2.77 TO 3.14	0.15	
	2.96 TO 3.33	0.16	
	3.15 TO 3.52	0.17	
	3.34 TO 3.71	0.18	
	3.53 TO 3.90	0.19	
	3.72 TO 4.09	0.20	
	3.91 TO 4.28	0.21	
	4.10 TO 4.47	0.22	
	4.29 TO 4.66	0.23	
	4.48 TO 4.85	0.24	
	4.67 TO 5.04	0.25	
	4.86 TO 5.23	0.26	
	5.05 TO 5.42	0.27	
	5.24 TO 5.61	0.28	
	5.43 TO 5.80	0.29	
	5.62 TO 6.19	0.30	
	5.81 TO 6.38	0.31	
	6.00 TO 6.57	0.32	
	6.20 TO 6.76	0.33	
	6.39 TO 6.95	0.34	
	6.58 TO 7.14	0.35	
	6.77 TO 7.33	0.36	
	6.96 TO 7.52	0.37	
	7.15 TO 7.71	0.38	
	7.34 TO 7.90	0.39	
	7.53 TO 8.09	0.40	
	7.72 TO 8.28	0.41	
	7.91 TO 8.47	0.42	
	8.10 TO 8.68	0.43	
	8.29 TO 8.85	0.44	

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

8.48 TO 8.66
8.67 TO 8.85
8.86 TO 9.04
9.05 TO 9.23
9.24 TO 9.42
9.43 TO 9.61
9.62 TO 9.80
9.81 TO 9.99

5 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.09

TAX IS:

0.10 TO 0.27
0.28 TO 0.45
0.46 TO 0.63
0.64 TO 0.81
0.82 TO 0.99
1.00 TO 1.18
1.19 TO 1.36
1.37 TO 1.54
1.55 TO 1.72
1.73 TO 1.90
1.91 TO 2.09
2.10 TO 2.27
2.28 TO 2.45
2.46 TO 2.63
2.64 TO 2.81
2.82 TO 2.99
3.00 TO 3.18
3.19 TO 3.36
3.37 TO 3.54
3.55 TO 3.72
3.73 TO 3.90
3.91 TO 4.09
4.10 TO 4.27
4.28 TO 4.45
4.46 TO 4.63
4.64 TO 4.81
4.82 TO 4.99
5.00 TO 5.18
5.19 TO 5.36
5.37 TO 5.54
5.55 TO 5.72
5.73 TO 5.90
5.91 TO 6.09
6.10 TO 6.27

0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

6.28 TO 6.45
6.46 TO 6.63
6.64 TO 6.81
6.82 TO 6.99
7.00 TO 7.18
7.19 TO 7.36
7.37 TO 7.54
7.55 TO 7.72
7.73 TO 7.90
7.91 TO 8.09
8.10 TO 8.27
8.28 TO 8.45
8.46 TO 8.63
8.64 TO 8.81
8.82 TO 8.99
9.00 TO 9.18
9.19 TO 9.36
9.37 TO 9.54
9.55 TO 9.72
9.73 TO 9.90

5 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.08

TAX IS:

0.09 TO 0.26
0.27 TO 0.43
0.44 TO 0.60
0.61 TO 0.78
0.79 TO 0.95
0.96 TO 1.13
1.14 TO 1.30
1.31 TO 1.47
1.48 TO 1.65
1.66 TO 1.82
1.83 TO 1.99
2.00 TO 2.17
2.18 TO 2.34
2.35 TO 2.52
2.53 TO 2.69
2.70 TO 2.86
2.87 TO 3.04
3.05 TO 3.21
3.22 TO 3.39
3.40 TO 3.56
3.57 TO 3.73
3.74 TO 3.91

0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.92 TO 4.08	0.23
4.09 TO 4.26	0.24
4.27 TO 4.43	0.25
4.44 TO 4.60	0.26
4.61 TO 4.78	0.27
4.79 TO 4.95	0.28
4.96 TO 5.13	0.29
5.14 TO 5.30	0.30
5.31 TO 5.47	0.31
5.48 TO 5.65	0.32
5.66 TO 5.82	0.33
5.83 TO 5.99	0.34
6.00 TO 6.17	0.35
6.18 TO 6.34	0.36
6.35 TO 6.52	0.37
6.53 TO 6.69	0.38
6.70 TO 6.86	0.39
6.87 TO 7.04	0.40
7.05 TO 7.21	0.41
7.22 TO 7.39	0.42
7.40 TO 7.56	0.43
7.57 TO 7.73	0.44
7.74 TO 7.91	0.45
7.92 TO 8.08	0.46
8.09 TO 8.26	0.47
8.27 TO 8.43	0.48
8.44 TO 8.60	0.49
8.61 TO 8.78	0.50
8.79 TO 8.95	0.51
8.96 TO 9.13	0.52
9.14 TO 9.30	0.53
9.31 TO 9.47	0.54
9.48 TO 9.65	0.55
9.66 TO 9.82	0.56

6½ Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0-00 TO 0.08	0.00
0.09 TO 0.24	0.01
0.25 TO 0.41	0.02
0.42 TO 0.58	0.03
0.59 TO 0.74	0.04
0.75 TO 0.91	0.05
0.92 TO 1.08	0.06
1.09 TO 1.24	0.07
1.25 TO 1.41	0.08

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1.42 TO 1.58	0.09
1.59 TO 1.74	0.10
1.75 TO 1.91	0.11
1.92 TO 2.08	0.12
2.09 TO 2.24	0.13
2.25 TO 2.41	0.14
2.42 TO 2.58	0.15
2.59 TO 2.74	0.16
2.75 TO 2.91	0.17
2.92 TO 3.08	0.18
3.09 TO 3.24	0.19
3.25 TO 3.41	0.20
3.42 TO 3.58	0.21
3.59 TO 3.74	0.22
3.75 TO 3.91	0.23
3.92 TO 4.08	0.24
4.09 TO 4.24	0.25
4.25 TO 4.41	0.26
4.42 TO 4.58	0.27
4.59 TO 4.74	0.28
4.75 TO 4.91	0.29
4.92 TO 5.08	0.30
5.09 TO 5.24	0.31
5.25 TO 5.41	0.32
5.42 TO 5.58	0.33
5.59 TO 5.74	0.34
5.75 TO 5.91	0.35
5.92 TO 6.08	0.36
6.09 TO 6.24	0.37
6.25 TO 6.41	0.38
6.42 TO 6.58	0.39
6.59 TO 6.74	0.40
6.75 TO 6.91	0.41
6.92 TO 7.08	0.42
7.09 TO 7.24	0.43
7.25 TO 7.41	0.44
7.42 TO 7.58	0.45
7.59 TO 7.74	0.46
7.75 TO 7.91	0.47
7.92 TO 8.08	0.48
8.09 TO 8.24	0.49
8.25 TO 8.41	0.50
8.42 TO 8.58	0.51
8.59 TO 8.74	0.52
8.75 TO 8.91	0.53
8.92 TO 9.08	0.54
9.09 TO 9.24	0.55
9.25 TO 9.41	0.56

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

9.42 TO 9.58
9.59 TO 9.74
9.75 TO 9.91

0.57
0.58
0.59

6 1/8% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0-00 TO 0.08
0.09 TO 0.24
0.25 TO 0.40
0.41 TO 0.57
0.58 TO 0.73
0.74 TO 0.89
0.90 TO 1.06
1.07 TO 1.22
1.23 TO 1.38
1.39 TO 1.55
1.56 TO 1.71
1.72 TO 1.87
1.88 TO 2.04
2.05 TO 2.20
2.21 TO 2.36
2.37 TO 2.53
2.54 TO 2.69
2.70 TO 2.85
2.86 TO 3.02
3.03 TO 3.18
3.19 TO 3.34
3.35 TO 3.51
3.52 TO 3.67
3.68 TO 3.83
3.84 TO 3.99
4.00 TO 4.16
4.17 TO 4.32
4.33 TO 4.48
4.49 TO 4.65
4.66 TO 4.81
4.82 TO 4.97
4.98 TO 5.14
5.15 TO 5.30
5.31 TO 5.46
5.47 TO 5.63
5.64 TO 5.79
5.80 TO 5.95
5.96 TO 6.12
6.13 TO 6.28
6.29 TO 6.44

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39

6.45 TO 6.61
6.62 TO 6.77
6.78 TO 6.93
6.94 TO 7.10
7.11 TO 7.26
7.27 TO 7.42
7.43 TO 7.59
7.60 TO 7.75
7.76 TO 7.91
7.92 TO 8.08
8.09 TO 8.24
8.25 TO 8.40
8.41 TO 8.57
8.58 TO 8.73
8.74 TO 8.89
8.90 TO 9.06
9.07 TO 9.22
9.23 TO 9.38
9.39 TO 9.55
9.56 TO 9.71
9.72 TO 9.87

0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60

6 1/4% Tax Rate

IF TRANSACTION IS:

TAX IS:

0.01 0-00 TO 0.07
0.08 TO 0.23
0.24 TO 0.39
0.40 TO 0.55
0.56 TO 0.71
0.72 TO 0.87
0.88 TO 1.03
1.04 TO 1.19
1.20 TO 1.35
1.36 TO 1.51
1.52 TO 1.67
1.68 TO 1.83
1.84 TO 1.99
2.00 TO 2.15
2.16 TO 2.31
2.32 TO 2.47
2.48 TO 2.63
2.64 TO 2.79
2.80 TO 2.95
2.96 TO 3.11
3.12 TO 3.27
3.28 TO 3.43

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.44	TO	3.59	0.22
3.60	TO	3.75	0.23
3.76	TO	3.91	0.24
3.92	TO	4.07	0.25
4.08	TO	4.23	0.26
4.24	TO	4.39	0.27
4.40	TO	4.55	0.28
4.56	TO	4.71	0.29
4.72	TO	4.87	0.30
4.88	TO	5.03	0.31
5.04	TO	5.19	0.32
5.20	TO	5.35	0.33
5.36	TO	5.51	0.34
5.52	TO	5.67	0.35
5.68	TO	5.83	0.36
5.84	TO	5.99	0.37
6.00	TO	6.15	0.38
6.16	TO	6.31	0.39
6.32	TO	6.47	0.40
6.48	TO	6.63	0.41
6.64	TO	6.79	0.42
6.80	TO	6.95	0.43
6.96	TO	7.11	0.44
7.12	TO	7.27	0.45
7.28	TO	7.43	0.46
7.44	TO	7.59	0.47
7.60	TO	7.75	0.48
7.76	TO	7.91	0.49
7.92	TO	8.07	0.50
8.08	TO	8.23	0.51
8.24	TO	8.39	0.52
8.40	TO	8.55	0.53
8.56	TO	8.71	0.54
8.72	TO	8.87	0.55
8.88	TO	9.03	0.56
9.04	TO	9.19	0.57
9.20	TO	9.35	0.58
9.36	TO	9.51	0.59
9.52	TO	9.67	0.60
9.68	TO	9.83	0.61
9.84	TO	9.99	0.62

6 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.07
0.08 TO 0.23TAX IS:
0.00
0.01

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.24	TO	0.38	0.02
0.39	TO	0.53	0.03
0.54	TO	0.69	0.04
0.70	TO	0.84	0.05
0.85	TO	0.99	0.06
1.00	TO	1.15	0.07
1.16	TO	1.30	0.08
1.31	TO	1.46	0.09
1.47	TO	1.61	0.10
1.62	TO	1.76	0.11
1.77	TO	1.92	0.12
1.93	TO	2.07	0.13
2.08	TO	2.23	0.14
2.24	TO	2.38	0.15
2.39	TO	2.53	0.16
2.54	TO	2.69	0.17
2.70	TO	2.84	0.18
2.85	TO	2.99	0.19
3.00	TO	3.15	0.20
3.16	TO	3.30	0.21
3.31	TO	3.46	0.22
3.47	TO	3.61	0.23
3.62	TO	3.76	0.24
3.77	TO	3.92	0.25
3.93	TO	4.07	0.26
4.08	TO	4.23	0.27
4.24	TO	4.38	0.28
4.39	TO	4.53	0.29
4.54	TO	4.69	0.30
4.70	TO	4.84	0.31
4.85	TO	4.99	0.32
5.00	TO	5.15	0.33
5.16	TO	5.30	0.34
5.31	TO	5.46	0.35
5.47	TO	5.61	0.36
5.62	TO	5.76	0.37
5.77	TO	5.92	0.38
5.93	TO	6.07	0.39
6.08	TO	6.23	0.40
6.24	TO	6.38	0.41
6.39	TO	6.53	0.42
6.54	TO	6.69	0.43
6.70	TO	6.84	0.44
6.85	TO	6.99	0.45
7.00	TO	7.15	0.46
7.16	TO	7.30	0.47
7.31	TO	7.46	0.48
7.47	TO	7.61	0.49

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.62 TO 7.76
7.77 TO 7.92
7.93 TO 8.07
8.08 TO 8.23
8.24 TO 8.38
8.39 TO 8.53
8.54 TO 8.69
8.70 TO 8.84
8.85 TO 8.99
9.00 TO 9.15
9.16 TO 9.30
9.31 TO 9.46
9.47 TO 9.61
9.62 TO 9.76
9.77 TO 9.92

0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64

6 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.07

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.08 TO 4.22
4.23 TO 4.37
4.38 TO 4.51
4.52 TO 4.66
4.67 TO 4.81
4.82 TO 4.96
4.97 TO 5.11
5.12 TO 5.25
5.26 TO 5.40
5.41 TO 5.55
5.56 TO 5.70
5.71 TO 5.85
5.86 TO 5.99
6.00 TO 6.14
6.15 TO 6.29
6.30 TO 6.44
6.45 TO 6.59
6.60 TO 6.74
6.75 TO 6.88
6.89 TO 7.03
7.04 TO 7.18
7.19 TO 7.33
7.34 TO 7.48
7.49 TO 7.62
7.63 TO 7.77
7.78 TO 7.92
7.93 TO 8.07
8.08 TO 8.22
8.23 TO 8.37
8.38 TO 8.51
8.52 TO 8.66
8.67 TO 8.81
8.82 TO 8.96
8.97 TO 9.11
9.12 TO 9.25
9.26 TO 9.40
9.41 TO 9.55
9.56 TO 9.70
9.71 TO 9.85
9.86 TO 9.99

0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67

7% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.07

TAX IS:

0.00
0.01
0.01
0.02

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.36 TO 0.49
0.50 TO 0.64
0.65 TO 0.78
0.79 TO 0.92
0.93 TO 1.07
1.08 TO 1.21
1.22 TO 1.35
1.36 TO 1.49
1.50 TO 1.64
1.65 TO 1.78
1.79 TO 1.92
1.93 TO 2.07
2.08 TO 2.21
2.22 TO 2.35
2.36 TO 2.49
2.50 TO 2.64
2.65 TO 2.78
2.79 TO 2.92
2.93 TO 3.07
3.08 TO 3.21
3.22 TO 3.35
3.36 TO 3.49
3.50 TO 3.64
3.65 TO 3.78
3.79 TO 3.92
3.93 TO 4.07
4.08 TO 4.21
4.22 TO 4.35
4.36 TO 4.49
4.50 TO 4.64
4.65 TO 4.78
4.79 TO 4.92
4.93 TO 5.07
5.08 TO 5.21
5.22 TO 5.35
5.36 TO 5.49
5.50 TO 5.64
5.65 TO 5.78
5.79 TO 5.92
5.93 TO 6.07
6.08 TO 6.21
6.22 TO 6.35
6.36 TO 6.49
6.50 TO 6.64
6.65 TO 6.78
6.79 TO 6.92
6.93 TO 7.07
7.08 TO 7.21

0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.22 TO 7.35
7.36 TO 7.49
7.50 TO 7.64
7.65 TO 7.78
7.79 TO 7.92
7.93 TO 8.07
8.08 TO 8.21
8.22 TO 8.35
8.36 TO 8.49
8.50 TO 8.64
8.65 TO 8.78
8.79 TO 8.92
8.93 TO 9.07
9.08 TO 9.21
9.22 TO 9.35
9.36 TO 9.49
9.50 TO 9.64
9.65 TO 9.78
9.79 TO 9.92

0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67
0.68
0.69

7 1/8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.07

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

7 1/4% Tax Rate		IF TRANSACTION IS:		TAX IS:	
		0.01	0.06	0.01	0.06
3.30	TO 3.43	0.07	TO 0.20	0.00	
3.44	TO 3.57	0.21	TO 0.34	0.01	
3.58	TO 3.71	0.35	TO 0.48	0.02	
3.72	TO 3.85	0.49	TO 0.62	0.03	
3.86	TO 3.99	0.63	TO 0.75	0.04	
4.00	TO 4.14	0.76	TO 0.89	0.05	
4.15	TO 4.28	0.90	TO 1.03	0.06	
4.29	TO 4.42	1.04	TO 1.17	0.07	
4.43	TO 4.56	1.18	TO 1.31	0.08	
4.57	TO 4.70	1.32	TO 1.44	0.09	
4.71	TO 4.84	1.45	TO 1.58	0.10	
4.85	TO 4.98	1.59	TO 1.72	0.11	
4.99	TO 5.12	1.73	TO 1.86	0.12	
5.13	TO 5.26	1.87	TO 1.99	0.13	
5.27	TO 5.40	2.00	TO 2.13	0.14	
5.41	TO 5.54	2.14	TO 2.27	0.15	
5.55	TO 5.68	2.28	TO 2.41	0.16	
5.69	TO 5.82	2.42	TO 2.55	0.17	
5.83	TO 5.96	2.56	TO 2.68	0.18	
5.97	TO 6.10	2.69	TO 2.82	0.19	
6.11	TO 6.24	2.83	TO 2.96	0.20	
6.25	TO 6.38	2.97	TO 3.10	0.21	
6.39	TO 6.52	3.11	TO 3.24	0.22	
6.53	TO 6.66	3.25	TO 3.37	0.23	
6.67	TO 6.80	3.38	TO 3.51	0.24	
6.81	TO 6.94	3.52	TO 3.65	0.25	
6.95	TO 7.08	3.66	TO 3.79	0.26	
7.09	TO 7.22	3.80	TO 3.93	0.27	
7.23	TO 7.36	3.94	TO 4.06	0.28	
7.37	TO 7.50	4.07	TO 4.20	0.29	
7.51	TO 7.64	4.21	TO 4.34	0.30	
7.65	TO 7.78	4.35	TO 4.48	0.31	
7.79	TO 7.92	4.49	TO 4.62	0.32	
7.93	TO 8.07	4.63	TO 4.75	0.33	
8.08	TO 8.21	4.76	TO 4.89	0.34	
8.22	TO 8.35	4.90	TO 5.03	0.35	
8.36	TO 8.49	5.04	TO 5.17	0.36	
8.50	TO 8.63	5.18	TO 5.31	0.37	
8.64	TO 8.77	5.32	TO 5.44	0.38	
8.78	TO 8.91	5.45	TO 5.58	0.39	
8.92	TO 9.05	5.59	TO 5.72	0.40	
9.06	TO 9.19	5.73	TO 5.86	0.41	
9.20	TO 9.33	5.87	TO 5.99	0.42	
9.34	TO 9.47	6.00	TO 6.13	0.43	
9.48	TO 9.61			0.44	
9.62	TO 9.75				
9.76	TO 9.89				

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

3.30	TO 3.43	0.24
3.44	TO 3.57	0.25
3.58	TO 3.71	0.26
3.72	TO 3.85	0.27
3.86	TO 3.99	0.28
4.00	TO 4.14	0.29
4.15	TO 4.28	0.30
4.29	TO 4.42	0.31
4.43	TO 4.56	0.32
4.57	TO 4.70	0.33
4.71	TO 4.84	0.34
4.85	TO 4.98	0.35
4.99	TO 5.12	0.36
5.13	TO 5.26	0.37
5.27	TO 5.40	0.38
5.41	TO 5.54	0.39
5.55	TO 5.68	0.40
5.69	TO 5.82	0.41
5.83	TO 5.96	0.42
5.97	TO 6.10	0.43
6.11	TO 6.24	0.44
6.25	TO 6.38	0.45
6.39	TO 6.52	0.46
6.53	TO 6.66	0.47
6.67	TO 6.80	0.48
6.81	TO 6.94	0.49
6.95	TO 7.08	0.50
7.09	TO 7.22	0.51
7.23	TO 7.36	0.52
7.37	TO 7.50	0.53
7.51	TO 7.64	0.54
7.65	TO 7.78	0.55
7.79	TO 7.92	0.56
7.93	TO 8.07	0.57
8.08	TO 8.21	0.58
8.22	TO 8.35	0.59
8.36	TO 8.49	0.60
8.50	TO 8.63	0.61
8.64	TO 8.77	0.62
8.78	TO 8.91	0.63
8.92	TO 9.05	0.64
9.06	TO 9.19	0.65
9.20	TO 9.33	0.66
9.34	TO 9.47	0.67
9.48	TO 9.61	0.68
9.62	TO 9.75	0.69
9.76	TO 9.89	0.70

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

6.14 TO 6.27 0.45
6.28 TO 6.41 0.46
6.42 TO 6.55 0.47
6.56 TO 6.68 0.48
6.69 TO 6.82 0.49
6.83 TO 6.96 0.50
6.97 TO 7.10 0.51
7.11 TO 7.24 0.52
7.25 TO 7.37 0.53
7.38 TO 7.51 0.54
7.52 TO 7.65 0.55
7.66 TO 7.79 0.56
7.80 TO 7.93 0.57
7.94 TO 8.06 0.58
8.07 TO 8.20 0.59
8.21 TO 8.34 0.60
8.35 TO 8.48 0.61
8.49 TO 8.62 0.62
8.63 TO 8.75 0.63
8.76 TO 8.89 0.64
8.90 TO 9.03 0.65
9.04 TO 9.17 0.66
9.18 TO 9.31 0.67
9.32 TO 9.44 0.68
9.45 TO 9.58 0.69
9.59 TO 9.72 0.70
9.73 TO 9.86 0.71

7 1/2% Tax Rate

IF TRANSACTION IS:
0.01 TO 0.06

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2.07 TO 2.19 0.16
2.20 TO 2.33 0.17
2.34 TO 2.46 0.18
2.47 TO 2.59 0.19
2.60 TO 2.73 0.20
2.74 TO 2.86 0.21
2.87 TO 2.99 0.22
3.00 TO 3.13 0.23
3.14 TO 3.26 0.24
3.27 TO 3.39 0.25
3.40 TO 3.53 0.26
3.54 TO 3.66 0.27
3.67 TO 3.79 0.28
3.80 TO 3.93 0.29
3.94 TO 4.06 0.30
4.07 TO 4.19 0.31
4.20 TO 4.33 0.32
4.34 TO 4.46 0.33
4.47 TO 4.59 0.34
4.60 TO 4.73 0.35
4.74 TO 4.86 0.36
4.87 TO 4.99 0.37
5.00 TO 5.13 0.38
5.14 TO 5.26 0.39
5.27 TO 5.39 0.40
5.40 TO 5.53 0.41
5.54 TO 5.66 0.42
5.67 TO 5.79 0.43
5.80 TO 5.93 0.44
5.94 TO 6.06 0.45
6.07 TO 6.19 0.46
6.20 TO 6.33 0.47
6.34 TO 6.46 0.48
6.47 TO 6.59 0.49
6.60 TO 6.73 0.50
6.74 TO 6.86 0.51
6.87 TO 6.99 0.52
7.00 TO 7.13 0.53
7.14 TO 7.26 0.54
7.27 TO 7.39 0.55
7.40 TO 7.53 0.56
7.54 TO 7.66 0.57
7.67 TO 7.79 0.58
7.80 TO 7.93 0.59
7.94 TO 8.06 0.60
8.07 TO 8.19 0.61
8.20 TO 8.33 0.62
8.34 TO 8.46 0.63

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

4.07 TO 4.19 0.32
4.20 TO 4.32 0.33
4.33 TO 4.45 0.34
4.46 TO 4.58 0.35
4.59 TO 4.70 0.36
4.71 TO 4.83 0.37
4.84 TO 4.96 0.38
4.97 TO 5.09 0.39
5.10 TO 5.22 0.40
5.23 TO 5.35 0.41
5.36 TO 5.48 0.42
5.49 TO 5.61 0.43
5.62 TO 5.74 0.44
5.75 TO 5.87 0.45
5.88 TO 5.99 0.46
6.00 TO 6.12 0.47
6.13 TO 6.25 0.48
6.26 TO 6.38 0.49
6.39 TO 6.51 0.50
6.52 TO 6.64 0.51
6.65 TO 6.77 0.52
6.78 TO 6.90 0.53
6.91 TO 7.03 0.54
7.04 TO 7.16 0.55
7.17 TO 7.29 0.56
7.30 TO 7.41 0.57
7.42 TO 7.54 0.58
7.55 TO 7.67 0.59
7.68 TO 7.80 0.60
7.81 TO 7.93 0.61
7.94 TO 8.06 0.62
8.07 TO 8.19 0.63
8.20 TO 8.32 0.64
8.33 TO 8.45 0.65
8.46 TO 8.58 0.66
8.59 TO 8.70 0.67
8.71 TO 8.83 0.68
8.84 TO 8.96 0.69
8.97 TO 9.09 0.70
9.10 TO 9.22 0.71
9.23 TO 9.35 0.72
9.36 TO 9.48 0.73
9.49 TO 9.61 0.74
9.62 TO 9.74 0.75
9.75 TO 9.87 0.76
9.88 TO 9.99 0.77

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

8.47 TO 8.59 0.64
8.60 TO 8.73 0.65
8.74 TO 8.86 0.66
8.87 TO 8.99 0.67
9.00 TO 9.13 0.68
9.14 TO 9.26 0.69
9.27 TO 9.39 0.70
9.40 TO 9.53 0.71
9.54 TO 9.66 0.72
9.67 TO 9.79 0.73
9.80 TO 9.93 0.74

7 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.06

TAX IS:

0.07 TO 0.19 0.00
0.20 TO 0.32 0.01
0.33 TO 0.45 0.02
0.46 TO 0.58 0.03
0.59 TO 0.70 0.04
0.71 TO 0.83 0.05
0.84 TO 0.96 0.06
0.97 TO 1.09 0.07
1.10 TO 1.22 0.08
1.23 TO 1.35 0.09
1.36 TO 1.48 0.10
1.49 TO 1.61 0.11
1.62 TO 1.74 0.12
1.75 TO 1.87 0.13
1.88 TO 1.99 0.14
2.00 TO 2.12 0.15
2.13 TO 2.25 0.16
2.26 TO 2.38 0.17
2.39 TO 2.51 0.18
2.52 TO 2.64 0.19
2.65 TO 2.77 0.20
2.78 TO 2.90 0.21
2.91 TO 3.03 0.22
3.04 TO 3.16 0.23
3.17 TO 3.29 0.24
3.30 TO 3.41 0.25
3.42 TO 3.54 0.26
3.55 TO 3.67 0.27
3.68 TO 3.80 0.28
3.81 TO 3.93 0.29
3.94 TO 4.06 0.30

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

8% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.06

TAX IS:

0.07 TO 0.18	0.00
0.19 TO 0.31	0.01
0.32 TO 0.43	0.02
0.44 TO 0.56	0.03
0.57 TO 0.68	0.04
0.69 TO 0.81	0.05
0.82 TO 0.93	0.06
0.94 TO 1.06	0.07
1.07 TO 1.18	0.08
1.19 TO 1.31	0.09
1.32 TO 1.43	0.10
1.44 TO 1.56	0.11
1.57 TO 1.68	0.12
1.69 TO 1.81	0.13
1.82 TO 1.93	0.14
1.94 TO 2.06	0.15
2.07 TO 2.18	0.16
2.19 TO 2.31	0.17
2.32 TO 2.43	0.18
2.44 TO 2.56	0.19
2.57 TO 2.68	0.20
2.69 TO 2.81	0.21
2.82 TO 2.93	0.22
2.94 TO 3.06	0.23
3.07 TO 3.18	0.24
3.19 TO 3.31	0.25
3.32 TO 3.43	0.26
3.44 TO 3.56	0.27
3.57 TO 3.68	0.28
3.69 TO 3.81	0.29
3.82 TO 3.93	0.30
3.94 TO 4.06	0.31
4.07 TO 4.18	0.32
4.19 TO 4.31	0.33
4.32 TO 4.43	0.34
4.44 TO 4.56	0.35
4.57 TO 4.68	0.36
4.69 TO 4.81	0.37
4.82 TO 4.93	0.38
4.94 TO 5.06	0.39
5.07 TO 5.18	0.40
5.19 TO 5.31	0.41
5.32 TO 5.43	0.42
5.44 TO 5.56	0.43
	0.44

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

8 1/4% Tax Rate

IF TRANSACTION IS:
0.01 0-00 TO 0.06

TAX IS:

0.07 TO 0.18	0.00
0.19 TO 0.30	0.01
0.31 TO 0.42	0.02
0.43 TO 0.54	0.03
0.55 TO 0.66	0.04
0.67 TO 0.78	0.05
0.79 TO 0.90	0.06
	0.07

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.91 TO 1.03 0.08
1.04 TO 1.15 0.09
1.16 TO 1.27 0.10
1.28 TO 1.39 0.11
1.40 TO 1.51 0.12
1.52 TO 1.63 0.13
1.64 TO 1.75 0.14
1.76 TO 1.87 0.15
1.88 TO 1.99 0.16
2.00 TO 2.12 0.17
2.13 TO 2.24 0.18
2.25 TO 2.36 0.19
2.37 TO 2.48 0.20
2.49 TO 2.60 0.21
2.61 TO 2.72 0.22
2.73 TO 2.84 0.23
2.85 TO 2.96 0.24
2.97 TO 3.09 0.25
3.10 TO 3.21 0.26
3.22 TO 3.33 0.27
3.34 TO 3.45 0.28
3.46 TO 3.57 0.29
3.58 TO 3.69 0.30
3.70 TO 3.81 0.31
3.82 TO 3.93 0.32
3.94 TO 4.06 0.33
4.07 TO 4.18 0.34
4.19 TO 4.30 0.35
4.31 TO 4.42 0.36
4.43 TO 4.54 0.37
4.55 TO 4.66 0.38
4.67 TO 4.78 0.39
4.79 TO 4.90 0.40
4.91 TO 5.03 0.41
5.04 TO 5.15 0.42
5.16 TO 5.27 0.43
5.28 TO 5.39 0.44
5.40 TO 5.51 0.45
5.52 TO 5.63 0.46
5.64 TO 5.75 0.47
5.76 TO 5.87 0.48
5.88 TO 5.99 0.49
6.00 TO 6.12 0.50
6.13 TO 6.24 0.51
6.25 TO 6.36 0.52
6.37 TO 6.48 0.53
6.49 TO 6.60 0.54
6.61 TO 6.72 0.55

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

6.73 TO 6.84 0.56
6.85 TO 6.96 0.57
6.97 TO 7.09 0.58
7.10 TO 7.21 0.59
7.22 TO 7.33 0.60
7.34 TO 7.45 0.61
7.46 TO 7.57 0.62
7.58 TO 7.69 0.63
7.70 TO 7.81 0.64
7.82 TO 7.93 0.65
7.94 TO 8.06 0.66
8.07 TO 8.18 0.67
8.19 TO 8.30 0.68
8.31 TO 8.42 0.69
8.43 TO 8.54 0.70
8.55 TO 8.66 0.71
8.67 TO 8.78 0.72
8.79 TO 8.90 0.73
8.91 TO 9.03 0.74
9.04 TO 9.15 0.75
9.16 TO 9.27 0.76
9.28 TO 9.39 0.77
9.40 TO 9.51 0.78
9.52 TO 9.63 0.79
9.64 TO 9.75 0.80
9.76 TO 9.87 0.81
9.88 TO 9.99 0.82
10.00 TO 10.12 0.83

8 1/2% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05
0.06 TO 0.17
0.18 TO 0.29
0.30 TO 0.41
0.42 TO 0.52
0.53 TO 0.64
0.65 TO 0.76
0.77 TO 0.88
0.89 TO 0.99
1.00 TO 1.11
1.12 TO 1.23
1.24 TO 1.35
1.36 TO 1.47
1.48 TO 1.58
1.59 TO 1.70

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1.71 TO 1.82
1.83 TO 1.94
1.95 TO 2.05
2.06 TO 2.17
2.18 TO 2.29
2.30 TO 2.41
2.42 TO 2.52
2.53 TO 2.64
2.65 TO 2.76
2.77 TO 2.88
2.89 TO 2.99
3.00 TO 3.11
3.12 TO 3.23
3.24 TO 3.35
3.36 TO 3.47
3.48 TO 3.58
3.59 TO 3.70
3.71 TO 3.82
3.83 TO 3.94
3.95 TO 4.05
4.06 TO 4.17
4.18 TO 4.29
4.30 TO 4.41
4.42 TO 4.52
4.53 TO 4.64
4.65 TO 4.76
4.77 TO 4.88
4.89 TO 4.99
5.00 TO 5.11
5.12 TO 5.23
5.24 TO 5.35
5.36 TO 5.47
5.48 TO 5.58
5.59 TO 5.70
5.71 TO 5.82
5.83 TO 5.94
5.95 TO 6.05
6.06 TO 6.17
6.18 TO 6.29
6.30 TO 6.41
6.42 TO 6.52
6.53 TO 6.64
6.65 TO 6.76
6.77 TO 6.88
6.89 TO 6.99
7.00 TO 7.11
7.12 TO 7.23
7.24 TO 7.35

0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.61
0.62

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.36 TO 7.47
7.48 TO 7.58
7.59 TO 7.70
7.71 TO 7.82
7.83 TO 7.94
7.95 TO 8.05
8.06 TO 8.17
8.18 TO 8.29
8.30 TO 8.41
8.42 TO 8.52
8.53 TO 8.64
8.65 TO 8.76
8.77 TO 8.88
8.89 TO 8.99
9.00 TO 9.11
9.12 TO 9.23
9.24 TO 9.35
9.36 TO 9.47
9.48 TO 9.58
9.59 TO 9.70
9.71 TO 9.82
9.83 TO 9.94
9.95 TO 10.00

0.63
0.64
0.65
0.66
0.67
0.68
0.69
0.70
0.71
0.72
0.73
0.74
0.75
0.76
0.77
0.78
0.79
0.80
0.81
0.82
0.83
0.84
0.85

8 3/4% Tax Rate

IF TRANSACTION IS:
0.01 0.00 TO 0.05

TAX IS:

0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

7.72 TO 7.82 0.68
7.83 TO 7.94 0.69
7.95 TO 8.05 0.70
8.06 TO 8.17 0.71
8.18 TO 8.28 0.72
8.29 TO 8.39 0.73
8.40 TO 8.51 0.74
8.52 TO 8.62 0.75
8.63 TO 8.74 0.76
8.75 TO 8.85 0.77
8.86 TO 8.97 0.78
8.98 TO 9.08 0.79
9.09 TO 9.19 0.80
9.20 TO 9.31 0.81
9.32 TO 9.42 0.82
9.43 TO 9.54 0.83
9.55 TO 9.65 0.84
9.66 TO 9.77 0.85
9.78 TO 9.88 0.86
9.89 TO 9.99 0.87
10.00 TO 10.11 0.88

9% Tax Rate

TAX IS:

IF TRANSACTION IS:
0.01 0-00 TO 0.05

0.06 TO 0.16 0.01
0.17 TO 0.27 0.02
0.28 TO 0.38 0.03
0.39 TO 0.49 0.04
0.50 TO 0.61 0.05
0.62 TO 0.72 0.06
0.73 TO 0.83 0.07
0.84 TO 0.94 0.08
0.95 TO 1.05 0.09
1.06 TO 1.16 0.10
1.17 TO 1.27 0.11
1.28 TO 1.38 0.12
1.39 TO 1.49 0.13
1.50 TO 1.61 0.14
1.62 TO 1.72 0.15
1.73 TO 1.83 0.16
1.84 TO 1.94 0.17
1.95 TO 2.05 0.18
2.06 TO 2.16 0.19
2.17 TO 2.27 0.20
2.28 TO 2.38 0.21

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

2.23 TO 2.34 0.20
2.35 TO 2.45 0.21
2.46 TO 2.57 0.22
2.58 TO 2.68 0.23
2.69 TO 2.79 0.24
2.80 TO 2.91 0.25
2.92 TO 3.02 0.26
3.03 TO 3.14 0.27
3.15 TO 3.25 0.28
3.26 TO 3.37 0.29
3.38 TO 3.48 0.30
3.49 TO 3.59 0.31
3.60 TO 3.71 0.32
3.72 TO 3.82 0.33
3.83 TO 3.94 0.34
3.95 TO 4.05 0.35
4.06 TO 4.17 0.36
4.18 TO 4.28 0.37
4.29 TO 4.39 0.38
4.40 TO 4.51 0.39
4.52 TO 4.62 0.40
4.63 TO 4.74 0.41
4.75 TO 4.85 0.42
4.86 TO 4.97 0.43
4.98 TO 5.08 0.44
5.09 TO 5.19 0.45
5.20 TO 5.31 0.46
5.32 TO 5.42 0.47
5.43 TO 5.54 0.48
5.55 TO 5.65 0.49
5.66 TO 5.77 0.50
5.78 TO 5.88 0.51
5.89 TO 5.99 0.52
6.00 TO 6.11 0.53
6.12 TO 6.22 0.54
6.23 TO 6.34 0.55
6.35 TO 6.45 0.56
6.46 TO 6.57 0.57
6.58 TO 6.68 0.58
6.69 TO 6.79 0.59
6.80 TO 6.91 0.60
6.92 TO 7.02 0.61
7.03 TO 7.14 0.62
7.15 TO 7.25 0.63
7.26 TO 7.37 0.64
7.38 TO 7.48 0.65
7.49 TO 7.59 0.66
7.60 TO 7.71 0.67

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2.39	TO	2.49	0.22
2.50	TO	2.61	0.23
2.62	TO	2.72	0.24
2.73	TO	2.83	0.25
2.84	TO	2.94	0.26
2.95	TO	3.05	0.27
3.06	TO	3.16	0.28
3.17	TO	3.27	0.29
3.28	TO	3.38	0.30
3.39	TO	3.49	0.31
3.50	TO	3.61	0.32
3.62	TO	3.72	0.33
3.73	TO	3.83	0.34
3.84	TO	3.94	0.35
3.95	TO	4.05	0.36
4.06	TO	4.16	0.37
4.17	TO	4.27	0.38
4.28	TO	4.38	0.39
4.39	TO	4.49	0.40
4.50	TO	4.61	0.41
4.62	TO	4.72	0.42
4.73	TO	4.83	0.43
4.84	TO	4.94	0.44
4.95	TO	5.05	0.45
5.06	TO	5.16	0.46
5.17	TO	5.27	0.47
5.28	TO	5.38	0.48
5.39	TO	5.49	0.49
5.50	TO	5.61	0.50
5.62	TO	5.72	0.51
5.73	TO	5.83	0.52
5.84	TO	5.94	0.53
5.95	TO	6.05	0.54
6.06	TO	6.16	0.55
6.17	TO	6.27	0.56
6.28	TO	6.38	0.57
6.39	TO	6.49	0.58
6.50	TO	6.61	0.59
6.62	TO	6.72	0.60
6.73	TO	6.83	0.61
6.84	TO	6.94	0.62
6.95	TO	7.05	0.63
7.06	TO	7.16	0.64
7.17	TO	7.27	0.65
7.28	TO	7.38	0.66
7.39	TO	7.49	0.67
7.50	TO	7.61	0.68
7.62	TO	7.72	0.69

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.73	TO	7.83	0.70
7.84	TO	7.94	0.71
7.95	TO	8.05	0.72
8.06	TO	8.16	0.73
8.17	TO	8.27	0.74
8.28	TO	8.38	0.75
8.39	TO	8.49	0.76
8.50	TO	8.61	0.77
8.62	TO	8.72	0.78
8.73	TO	8.83	0.79
8.84	TO	8.94	0.80
8.95	TO	9.05	0.81
9.06	TO	9.16	0.82
9.17	TO	9.27	0.83
9.28	TO	9.38	0.84
9.39	TO	9.49	0.85
9.50	TO	9.61	0.86
9.62	TO	9.72	0.87
9.73	TO	9.83	0.88
9.84	TO	9.94	0.89
9.95	TO	10.00	0.90

9 1/4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	0-00 TO 0.05	0.00
0.06	TO 0.16	0.01
0.17	TO 0.27	0.02
0.28	TO 0.37	0.03
0.38	TO 0.48	0.04
0.49	TO 0.59	0.05
0.60	TO 0.70	0.06
0.71	TO 0.81	0.07
0.82	TO 0.91	0.08
0.92	TO 1.02	0.09
1.03	TO 1.13	0.10
1.14	TO 1.24	0.11
1.25	TO 1.35	0.12
1.36	TO 1.45	0.13
1.46	TO 1.56	0.14
1.57	TO 1.67	0.15
1.68	TO 1.78	0.16
1.79	TO 1.89	0.17
1.90	TO 1.99	0.18
2.00	TO 2.10	0.19
2.11	TO 2.21	0.20
2.22	TO 2.32	0.21

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

7.52	TO	7.62	0.70
7.63	TO	7.72	0.71
7.73	TO	7.83	0.72
7.84	TO	7.94	0.73
7.95	TO	8.05	0.74
8.06	TO	8.16	0.75
8.17	TO	8.27	0.76
8.28	TO	8.37	0.77
8.38	TO	8.48	0.78
8.49	TO	8.59	0.79
8.60	TO	8.70	0.80
8.71	TO	8.81	0.81
8.82	TO	8.91	0.82
8.92	TO	9.02	0.83
9.03	TO	9.13	0.84
9.14	TO	9.24	0.85
9.25	TO	9.35	0.86
9.36	TO	9.45	0.87
9.46	TO	9.56	0.88
9.57	TO	9.67	0.89
9.68	TO	9.78	0.90
9.79	TO	9.89	0.91
9.90	TO	9.99	0.92
10.00	TO	10.10	0.93

9 1/2% Tax Rate

IF TRANSACTION IS:		TAX IS:	
0.01	TO 0.05	0.00	
0.06	TO 0.15	0.01	
0.16	TO 0.26	0.02	
0.27	TO 0.36	0.03	
0.37	TO 0.47	0.04	
0.48	TO 0.57	0.05	
0.58	TO 0.68	0.06	
0.69	TO 0.78	0.07	
0.79	TO 0.89	0.08	
0.90	TO 0.99	0.09	
1.00	TO 1.10	0.10	
1.11	TO 1.21	0.11	
1.22	TO 1.31	0.12	
1.32	TO 1.42	0.13	
1.43	TO 1.52	0.14	
1.53	TO 1.63	0.15	
1.64	TO 1.73	0.16	
1.74	TO 1.84	0.17	
1.85	TO 1.94	0.18	

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

2.33	TO	2.43	0.22
2.44	TO	2.54	0.23
2.55	TO	2.64	0.24
2.65	TO	2.75	0.25
2.76	TO	2.86	0.26
2.87	TO	2.97	0.27
2.98	TO	3.08	0.28
3.09	TO	3.18	0.29
3.19	TO	3.29	0.30
3.30	TO	3.40	0.31
3.41	TO	3.51	0.32
3.52	TO	3.62	0.33
3.63	TO	3.72	0.34
3.73	TO	3.83	0.35
3.84	TO	3.94	0.36
3.95	TO	4.05	0.37
4.06	TO	4.16	0.38
4.17	TO	4.27	0.39
4.28	TO	4.37	0.40
4.38	TO	4.48	0.41
4.49	TO	4.59	0.42
4.60	TO	4.70	0.43
4.71	TO	4.81	0.44
4.82	TO	4.91	0.45
4.92	TO	5.02	0.46
5.03	TO	5.13	0.47
5.14	TO	5.24	0.48
5.25	TO	5.35	0.49
5.36	TO	5.45	0.50
5.46	TO	5.56	0.51
5.57	TO	5.67	0.52
5.68	TO	5.78	0.53
5.79	TO	5.89	0.54
5.90	TO	5.99	0.55
6.00	TO	6.10	0.56
6.11	TO	6.21	0.57
6.22	TO	6.32	0.58
6.33	TO	6.43	0.59
6.44	TO	6.54	0.60
6.55	TO	6.64	0.61
6.65	TO	6.75	0.62
6.76	TO	6.86	0.63
6.87	TO	6.97	0.64
6.98	TO	7.08	0.65
7.09	TO	7.18	0.66
7.19	TO	7.29	0.67
7.30	TO	7.40	0.68
7.41	TO	7.51	0.69

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1.95	TO	2.05	0.19
2.06	TO	2.15	0.20
2.16	TO	2.26	0.21
2.27	TO	2.36	0.22
2.37	TO	2.47	0.23
2.48	TO	2.57	0.24
2.58	TO	2.68	0.25
2.69	TO	2.78	0.26
2.79	TO	2.89	0.27
2.90	TO	2.99	0.28
3.00	TO	3.10	0.29
3.11	TO	3.21	0.30
3.22	TO	3.31	0.31
3.32	TO	3.42	0.32
3.43	TO	3.52	0.33
3.53	TO	3.63	0.34
3.64	TO	3.73	0.35
3.74	TO	3.84	0.36
3.85	TO	3.94	0.37
3.95	TO	4.05	0.38
4.06	TO	4.15	0.39
4.16	TO	4.26	0.40
4.27	TO	4.36	0.41
4.37	TO	4.47	0.42
4.48	TO	4.57	0.43
4.58	TO	4.68	0.44
4.69	TO	4.78	0.45
4.79	TO	4.89	0.46
4.90	TO	4.99	0.47
5.00	TO	5.10	0.48
5.11	TO	5.21	0.49
5.22	TO	5.31	0.50
5.32	TO	5.42	0.51
5.43	TO	5.52	0.52
5.53	TO	5.63	0.53
5.64	TO	5.73	0.54
5.74	TO	5.84	0.55
5.85	TO	5.94	0.56
5.95	TO	6.05	0.57
6.06	TO	6.15	0.58
6.16	TO	6.26	0.59
6.27	TO	6.36	0.60
6.37	TO	6.47	0.61
6.48	TO	6.57	0.62
6.58	TO	6.68	0.63
6.69	TO	6.78	0.64
6.79	TO	6.89	0.65
6.90	TO	6.99	0.66

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.00	TO	7.10	0.67
7.11	TO	7.21	0.68
7.22	TO	7.31	0.69
7.32	TO	7.42	0.70
7.43	TO	7.52	0.71
7.53	TO	7.63	0.72
7.64	TO	7.73	0.73
7.74	TO	7.84	0.74
7.85	TO	7.94	0.75
7.95	TO	8.05	0.76
8.06	TO	8.15	0.77
8.16	TO	8.26	0.78
8.27	TO	8.36	0.79
8.37	TO	8.47	0.80
8.48	TO	8.57	0.81
8.58	TO	8.68	0.82
8.69	TO	8.78	0.83
8.79	TO	8.89	0.84
8.90	TO	8.99	0.85
9.00	TO	9.10	0.86
9.11	TO	9.21	0.87
9.22	TO	9.31	0.88
9.32	TO	9.42	0.89
9.43	TO	9.52	0.90
9.53	TO	9.63	0.91
9.64	TO	9.73	0.92
9.74	TO	9.84	0.93
9.85	TO	9.94	0.94
9.95	TO	10.00	0.95

9 3/4% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	0-00 TO 0.05	0.00
0.06	TO 0.15	0.01
0.16	TO 0.25	0.02
0.26	TO 0.35	0.03
0.36	TO 0.46	0.04
0.47	TO 0.56	0.05
0.57	TO 0.66	0.06
0.67	TO 0.76	0.07
0.77	TO 0.87	0.08
0.88	TO 0.97	0.09
0.98	TO 1.07	0.10
1.08	TO 1.17	0.11
1.18	TO 1.28	0.12
1.29	TO 1.38	0.13

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1.39	TO	1.48	6.31	TO	6.41	0.62
1.49	TO	1.58	6.42	TO	6.51	0.63
1.59	TO	1.69	6.52	TO	6.61	0.64
1.70	TO	1.79	6.62	TO	6.71	0.65
1.80	TO	1.89	6.72	TO	6.82	0.66
1.90	TO	1.99	6.83	TO	6.92	0.67
2.00	TO	2.10	6.93	TO	7.02	0.68
2.11	TO	2.20	7.03	TO	7.12	0.69
2.21	TO	2.30	7.13	TO	7.23	0.70
2.31	TO	2.41	7.24	TO	7.33	0.71
2.42	TO	2.51	7.34	TO	7.43	0.72
2.52	TO	2.61	7.44	TO	7.53	0.73
2.62	TO	2.71	7.54	TO	7.64	0.74
2.72	TO	2.82	7.65	TO	7.74	0.75
2.83	TO	2.92	7.75	TO	7.84	0.76
2.93	TO	3.02	7.85	TO	7.94	0.77
3.03	TO	3.12	7.95	TO	8.05	0.78
3.13	TO	3.23	8.06	TO	8.15	0.79
3.24	TO	3.33	8.16	TO	8.25	0.80
3.34	TO	3.43	8.26	TO	8.35	0.81
3.44	TO	3.53	8.36	TO	8.46	0.82
3.54	TO	3.64	8.47	TO	8.56	0.83
3.65	TO	3.74	8.57	TO	8.66	0.84
3.75	TO	3.84	8.67	TO	8.76	0.85
3.85	TO	3.94	8.77	TO	8.87	0.86
3.95	TO	4.05	8.88	TO	8.97	0.87
4.06	TO	4.15	8.98	TO	9.07	0.88
4.16	TO	4.25	9.08	TO	9.17	0.89
4.26	TO	4.35	9.18	TO	9.28	0.90
4.36	TO	4.46	9.29	TO	9.38	0.91
4.47	TO	4.56	9.39	TO	9.48	0.92
4.57	TO	4.66	9.49	TO	9.58	0.93
4.67	TO	4.76	9.59	TO	9.69	0.94
4.77	TO	4.87	9.70	TO	9.79	0.95
4.88	TO	4.97	9.80	TO	9.89	0.96
4.98	TO	5.07	9.90	TO	9.99	0.97
5.08	TO	5.17	10.00	TO	10.10	0.98
5.18	TO	5.28				
5.29	TO	5.38				
5.39	TO	5.48				
5.49	TO	5.58				
5.59	TO	5.69				
5.70	TO	5.79				
5.80	TO	5.89				
5.90	TO	5.99				
6.00	TO	6.10				
6.11	TO	6.20				
6.21	TO	6.30				

10% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	0÷00 TO 0.04	0.00
0.05	TO 0.14	0.01
0.15	TO 0.24	0.02
0.25	TO 0.34	0.03
0.35	TO 0.44	0.04
0.45	TO 0.54	0.05

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

0.55 TO 0.64
0.65 TO 0.74
0.75 TO 0.84
0.85 TO 0.94
0.95 TO 1.04
1.05 TO 1.14
1.15 TO 1.24
1.25 TO 1.34
1.35 TO 1.44
1.45 TO 1.54
1.55 TO 1.64
1.65 TO 1.74
1.75 TO 1.84
1.85 TO 1.94
1.95 TO 2.04
2.05 TO 2.14
2.15 TO 2.24
2.25 TO 2.34
2.35 TO 2.44
2.45 TO 2.54
2.55 TO 2.64
2.65 TO 2.74
2.75 TO 2.84
2.85 TO 2.94
2.95 TO 3.04
3.05 TO 3.14
3.15 TO 3.24
3.25 TO 3.34
3.35 TO 3.44
3.45 TO 3.54
3.55 TO 3.64
3.65 TO 3.74
3.75 TO 3.84
3.85 TO 3.94
3.95 TO 4.04
4.05 TO 4.14
4.15 TO 4.24
4.25 TO 4.34
4.35 TO 4.44
4.45 TO 4.54
4.55 TO 4.64
4.65 TO 4.74
4.75 TO 4.84
4.85 TO 4.94
4.95 TO 5.04
5.05 TO 5.14
5.15 TO 5.24
5.25 TO 5.34

0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

5.35 TO 5.44
5.45 TO 5.54
5.55 TO 5.64
5.65 TO 5.74
5.75 TO 5.84
5.85 TO 5.94
5.95 TO 6.04
6.05 TO 6.14
6.15 TO 6.24
6.25 TO 6.34
6.35 TO 6.44
6.45 TO 6.54
6.55 TO 6.64
6.65 TO 6.74
6.75 TO 6.84
6.85 TO 6.94
6.95 TO 7.04
7.05 TO 7.14
7.15 TO 7.24
7.25 TO 7.34
7.35 TO 7.44
7.45 TO 7.54
7.55 TO 7.64
7.65 TO 7.74
7.75 TO 7.84
7.85 TO 7.94
7.95 TO 8.04
8.05 TO 8.14
8.15 TO 8.24
8.25 TO 8.34
8.35 TO 8.44
8.45 TO 8.54
8.55 TO 8.64
8.65 TO 8.74
8.75 TO 8.84
8.85 TO 8.94
8.95 TO 9.04
9.05 TO 9.14
9.15 TO 9.24
9.25 TO 9.34
9.35 TO 9.44
9.45 TO 9.54
9.55 TO 9.64
9.65 TO 9.74
9.75 TO 9.84
9.85 TO 9.94
9.95 TO 10.00

0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67
0.68
0.69
0.70
0.71
0.72
0.73
0.74
0.75
0.76
0.77
0.78
0.79
0.80
0.81
0.82
0.83
0.84
0.85
0.86
0.87
0.88
0.89
0.90
0.91
0.92
0.93
0.94
0.95
0.96
0.97
0.98
0.99
1.00

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

10 1/4% Tax Rate

IF TRANSACTION IS:

0.01 0.00 TO 0.04

0.05 TO 0.14

0.15 TO 0.24

0.25 TO 0.34

0.35 TO 0.43

0.44 TO 0.53

0.54 TO 0.63

0.64 TO 0.73

0.74 TO 0.82

0.83 TO 0.92

0.93 TO 1.02

1.03 TO 1.12

1.13 TO 1.21

1.22 TO 1.31

1.32 TO 1.41

1.42 TO 1.51

1.52 TO 1.60

1.61 TO 1.70

1.71 TO 1.80

1.81 TO 1.90

1.91 TO 1.99

2.00 TO 2.09

2.10 TO 2.19

2.20 TO 2.29

2.30 TO 2.39

2.40 TO 2.48

2.49 TO 2.58

2.59 TO 2.68

2.69 TO 2.78

2.79 TO 2.87

2.88 TO 2.97

2.98 TO 3.07

3.08 TO 3.17

3.18 TO 3.26

3.27 TO 3.36

3.37 TO 3.46

3.47 TO 3.56

3.57 TO 3.65

3.66 TO 3.75

3.76 TO 3.85

3.86 TO 3.95

3.96 TO 4.04

4.05 TO 4.14

4.15 TO 4.24

4.25 TO 4.34

TAX IS:

0.00

0.01

0.02

0.03

0.04

0.05

0.06

0.07

0.08

0.09

0.10

0.11

0.12

0.13

0.14

0.15

0.16

0.17

0.18

0.19

0.20

0.21

0.22

0.23

0.24

0.25

0.26

0.27

0.28

0.29

0.30

0.31

0.32

0.33

0.34

0.35

0.36

0.37

0.38

0.39

0.40

0.41

0.42

0.43

0.44

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

4.35 TO 4.43

4.44 TO 4.53

4.54 TO 4.63

4.64 TO 4.73

4.74 TO 4.82

4.83 TO 4.92

4.93 TO 5.02

5.03 TO 5.12

5.13 TO 5.21

5.22 TO 5.31

5.32 TO 5.41

5.42 TO 5.51

5.52 TO 5.60

5.61 TO 5.70

5.71 TO 5.80

5.81 TO 5.90

5.91 TO 5.99

6.00 TO 6.09

6.10 TO 6.19

6.20 TO 6.29

6.30 TO 6.39

6.40 TO 6.48

6.49 TO 6.58

6.59 TO 6.68

6.69 TO 6.78

6.79 TO 6.87

6.88 TO 6.97

6.98 TO 7.07

7.08 TO 7.17

7.18 TO 7.26

7.27 TO 7.36

7.37 TO 7.46

7.47 TO 7.56

7.57 TO 7.65

7.66 TO 7.75

7.76 TO 7.85

7.86 TO 7.95

7.96 TO 8.04

8.05 TO 8.14

8.15 TO 8.24

8.25 TO 8.34

8.35 TO 8.43

8.44 TO 8.53

8.54 TO 8.63

8.64 TO 8.73

8.74 TO 8.82

8.83 TO 8.92

8.93 TO 9.02

0.45

0.46

0.47

0.48

0.49

0.50

0.51

0.52

0.53

0.54

0.55

0.56

0.57

0.58

0.59

0.60

0.61

0.62

0.63

0.64

0.65

0.66

0.67

0.68

0.69

0.70

0.71

0.72

0.73

0.74

0.75

0.76

0.77

0.78

0.79

0.80

0.81

0.82

0.83

0.84

0.85

0.86

0.87

0.88

0.89

0.90

0.91

0.92

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

9.03 TO 9.12 0.93
9.13 TO 9.21 0.94
9.22 TO 9.31 0.95
9.32 TO 9.41 0.96
9.42 TO 9.51 0.97
9.52 TO 9.60 0.98
9.61 TO 9.70 0.99
9.71 TO 9.80 1.00
9.81 TO 9.90 1.01
9.91 TO 9.99 1.02
10.00 TO 10.09 1.03

10 1/2% Tax Rate

IF TRANSACTION IS:

0.01 0.00 TO 0.04

0.05 TO 0.14

0.15 TO 0.23

0.24 TO 0.33

0.34 TO 0.42

0.43 TO 0.52

0.53 TO 0.61

0.62 TO 0.71

0.72 TO 0.80

0.81 TO 0.90

0.91 TO 0.99

1.00 TO 1.09

1.10 TO 1.19

1.20 TO 1.28

1.29 TO 1.38

1.39 TO 1.47

1.48 TO 1.57

1.58 TO 1.66

1.67 TO 1.76

1.77 TO 1.85

1.86 TO 1.95

1.96 TO 2.04

2.05 TO 2.14

2.15 TO 2.23

2.24 TO 2.33

2.34 TO 2.42

2.43 TO 2.52

2.53 TO 2.61

2.62 TO 2.71

2.72 TO 2.80

2.81 TO 2.90

2.91 TO 2.99

TAX IS:

0.00

0.01

0.02

0.03

0.04

0.05

0.06

0.07

0.08

0.09

0.10

0.11

0.12

0.13

0.14

0.15

0.16

0.17

0.18

0.19

0.20

0.21

0.22

0.23

0.24

0.25

0.26

0.27

0.28

0.29

0.30

0.31

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.00 TO 3.09 0.32
3.10 TO 3.19 0.33
3.20 TO 3.28 0.34
3.29 TO 3.38 0.35
3.39 TO 3.47 0.36
3.48 TO 3.57 0.37
3.58 TO 3.66 0.38
3.67 TO 3.76 0.39
3.77 TO 3.85 0.40
3.86 TO 3.95 0.41
3.96 TO 4.04 0.42
4.05 TO 4.14 0.43
4.15 TO 4.23 0.44
4.24 TO 4.33 0.45
4.34 TO 4.42 0.46
4.43 TO 4.52 0.47
4.53 TO 4.61 0.48
4.62 TO 4.71 0.49
4.72 TO 4.80 0.50
4.81 TO 4.90 0.51
4.91 TO 4.99 0.52
5.00 TO 5.09 0.53
5.10 TO 5.19 0.54
5.20 TO 5.28 0.55
5.29 TO 5.38 0.56
5.39 TO 5.47 0.57
5.48 TO 5.57 0.58
5.58 TO 5.66 0.59
5.67 TO 5.76 0.60
5.77 TO 5.85 0.61
5.86 TO 5.95 0.62
5.96 TO 6.04 0.63
6.05 TO 6.14 0.64
6.15 TO 6.23 0.65
6.24 TO 6.33 0.66
6.34 TO 6.42 0.67
6.43 TO 6.52 0.68
6.53 TO 6.61 0.69
6.62 TO 6.71 0.70
6.72 TO 6.80 0.71
6.81 TO 6.90 0.72
6.91 TO 6.99 0.73
7.00 TO 7.09 0.74
7.10 TO 7.19 0.75
7.20 TO 7.28 0.76
7.29 TO 7.38 0.77
7.39 TO 7.47 0.78
7.48 TO 7.57 0.79

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.58 TO 7.66 0.80
7.67 TO 7.76 0.81
7.77 TO 7.85 0.82
7.86 TO 7.95 0.83
7.96 TO 8.04 0.84
8.05 TO 8.14 0.85
8.15 TO 8.23 0.86
8.24 TO 8.33 0.87
8.34 TO 8.42 0.88
8.43 TO 8.52 0.89
8.53 TO 8.61 0.90
8.62 TO 8.71 0.91
8.72 TO 8.80 0.92
8.81 TO 8.90 0.93
8.91 TO 8.99 0.94
9.00 TO 9.09 0.95
9.10 TO 9.19 0.96
9.20 TO 9.28 0.97
9.29 TO 9.38 0.98
9.39 TO 9.47 0.99
9.48 TO 9.57 1.00
9.58 TO 9.66 1.01
9.67 TO 9.76 1.02
9.77 TO 9.85 1.03
9.86 TO 9.95 1.04
9.96 TO 10.00 1.05

10 3/4% Tax Rate

TAX IS:

IF TRANSACTION IS:
0.01 0.00 TO 0.04 0.00
0.05 TO 0.13 0.01
0.14 TO 0.23 0.02
0.24 TO 0.32 0.03
0.33 TO 0.41 0.04
0.42 TO 0.51 0.05
0.52 TO 0.60 0.06
0.61 TO 0.69 0.07
0.70 TO 0.79 0.08
0.80 TO 0.88 0.09
0.89 TO 0.97 0.10
0.98 TO 1.06 0.11
1.07 TO 1.16 0.12
1.17 TO 1.25 0.13
1.26 TO 1.34 0.14
1.35 TO 1.44 0.15
1.45 TO 1.53 0.16

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1.54 TO 1.62 0.17
1.63 TO 1.72 0.18
1.73 TO 1.81 0.19
1.82 TO 1.90 0.20
1.91 TO 1.99 0.21
2.00 TO 2.09 0.22
2.10 TO 2.18 0.23
2.19 TO 2.27 0.24
2.28 TO 2.37 0.25
2.38 TO 2.46 0.26
2.47 TO 2.55 0.27
2.56 TO 2.65 0.28
2.66 TO 2.74 0.29
2.75 TO 2.83 0.30
2.84 TO 2.93 0.31
2.94 TO 3.02 0.32
3.03 TO 3.11 0.33
3.12 TO 3.20 0.34
3.21 TO 3.30 0.35
3.31 TO 3.39 0.36
3.40 TO 3.48 0.37
3.49 TO 3.58 0.38
3.59 TO 3.67 0.39
3.68 TO 3.76 0.40
3.77 TO 3.86 0.41
3.87 TO 3.95 0.42
3.96 TO 4.04 0.43
4.05 TO 4.13 0.44
4.14 TO 4.23 0.45
4.24 TO 4.32 0.46
4.33 TO 4.41 0.47
4.42 TO 4.51 0.48
4.52 TO 4.60 0.49
4.61 TO 4.69 0.50
4.70 TO 4.79 0.51
4.80 TO 4.88 0.52
4.89 TO 4.97 0.53
4.98 TO 5.06 0.54
5.07 TO 5.16 0.55
5.17 TO 5.25 0.56
5.26 TO 5.34 0.57
5.35 TO 5.44 0.58
5.45 TO 5.53 0.59
5.54 TO 5.62 0.60
5.63 TO 5.72 0.61
5.73 TO 5.81 0.62
5.82 TO 5.90 0.63
5.91 TO 5.99 0.64

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

IF TRANSACTION IS:		TAX IS:	
0.01	0-00 TO 0.04	0.00	0.00
0.05	TO 0.13	0.01	0.01
0.14	TO 0.22	0.02	0.02
0.23	TO 0.31	0.03	0.03
0.32	TO 0.40	0.04	0.04
0.41	TO 0.49	0.05	0.05
0.50	TO 0.59	0.06	0.06
0.60	TO 0.68	0.07	0.07
0.69	TO 0.77	0.08	0.08
0.78	TO 0.86	0.09	0.09
0.87	TO 0.95	0.10	0.10
0.96	TO 1.04	0.11	0.11
1.05	TO 1.13	0.12	0.12
1.14	TO 1.22	0.13	0.13
1.23	TO 1.31	0.14	0.14
1.32	TO 1.40	0.15	0.15
1.41	TO 1.49	0.16	0.16
1.50	TO 1.59	0.17	0.17
1.60	TO 1.68	0.18	0.18
1.69	TO 1.77	0.19	0.19
1.78	TO 1.86	0.20	0.20
1.87	TO 1.95	0.21	0.21
1.96	TO 2.04	0.22	0.22
2.05	TO 2.13	0.23	0.23
2.14	TO 2.22	0.24	0.24
2.23	TO 2.31	0.25	0.25
2.32	TO 2.40	0.26	0.26
2.41	TO 2.49	0.27	0.27
2.50	TO 2.59	0.28	0.28
2.60	TO 2.68	0.29	0.29
2.69	TO 2.77	0.30	0.30
2.78	TO 2.86	0.31	0.31
2.87	TO 2.95	0.32	0.32
2.96	TO 3.04	0.33	0.33
3.05	TO 3.13	0.34	0.34
3.14	TO 3.22	0.35	0.35
3.23	TO 3.31	0.36	0.36
3.32	TO 3.40	0.37	0.37
3.41	TO 3.49	0.38	0.38
3.50	TO 3.59	0.39	0.39
3.60	TO 3.68	0.40	0.40
3.69	TO 3.77	0.41	0.41
3.78	TO 3.86	0.42	0.42
3.87	TO 3.95	0.43	0.43
3.96	TO 4.04	0.44	0.44
4.05	TO 4.13	0.45	0.45
4.14	TO 4.22	0.46	0.46

6.00	TO	6.09	0.65
6.10	TO	6.18	0.66
6.19	TO	6.27	0.67
6.28	TO	6.37	0.68
6.38	TO	6.46	0.69
6.47	TO	6.55	0.70
6.56	TO	6.65	0.71
6.66	TO	6.74	0.72
6.75	TO	6.83	0.73
6.84	TO	6.93	0.74
6.94	TO	7.02	0.75
7.03	TO	7.11	0.76
7.12	TO	7.20	0.77
7.21	TO	7.30	0.78
7.31	TO	7.39	0.79
7.40	TO	7.48	0.80
7.49	TO	7.58	0.81
7.59	TO	7.67	0.82
7.68	TO	7.76	0.83
7.77	TO	7.86	0.84
7.87	TO	7.95	0.85
7.96	TO	8.04	0.86
8.05	TO	8.13	0.87
8.14	TO	8.23	0.88
8.24	TO	8.32	0.89
8.33	TO	8.41	0.90
8.42	TO	8.51	0.91
8.52	TO	8.60	0.92
8.61	TO	8.69	0.93
8.70	TO	8.79	0.94
8.80	TO	8.88	0.95
8.89	TO	8.97	0.96
8.98	TO	9.06	0.97
9.07	TO	9.16	0.98
9.17	TO	9.25	0.99
9.26	TO	9.34	1.00
9.35	TO	9.44	1.01
9.45	TO	9.53	1.02
9.54	TO	9.62	1.03
9.63	TO	9.72	1.04
9.73	TO	9.81	1.05
9.82	TO	9.90	1.06
9.91	TO	9.99	1.07
10.00	TO	10.09	1.08

11% Tax Rate

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

8.60 TO 8.68	0.95
8.69 TO 8.77	0.96
8.78 TO 8.86	0.97
8.87 TO 8.95	0.98
8.96 TO 9.04	0.99
9.05 TO 9.13	1.00
9.14 TO 9.22	1.01
9.23 TO 9.31	1.02
9.32 TO 9.40	1.03
9.41 TO 9.49	1.04
9.50 TO 9.59	1.05
9.60 TO 9.68	1.06
9.69 TO 9.77	1.07
9.78 TO 9.86	1.08
9.87 TO 9.95	1.09
9.96 TO 10.00	1.10

11 1/4% Tax Rate

TAX IS:

IF TRANSACTION IS:
0.01 0-00 TO 0.04

0.05 TO 0.13	0.00
0.14 TO 0.22	0.01
0.23 TO 0.31	0.02
0.32 TO 0.39	0.03
0.40 TO 0.48	0.04
0.49 TO 0.57	0.05
0.58 TO 0.66	0.06
0.67 TO 0.75	0.07
0.76 TO 0.84	0.08
0.85 TO 0.93	0.09
0.94 TO 1.02	0.10
1.03 TO 1.11	0.11
1.12 TO 1.19	0.12
1.20 TO 1.28	0.13
1.29 TO 1.37	0.14
1.38 TO 1.46	0.15
1.47 TO 1.55	0.16
1.56 TO 1.64	0.17
1.65 TO 1.73	0.18
1.74 TO 1.82	0.19
1.83 TO 1.91	0.20
1.92 TO 1.99	0.21
2.00 TO 2.08	0.22
2.09 TO 2.17	0.23
2.18 TO 2.26	0.24
2.27 TO 2.35	0.25
	0.26

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

4.23 TO 4.31	0.47
4.32 TO 4.40	0.48
4.41 TO 4.49	0.49
4.50 TO 4.59	0.50
4.60 TO 4.68	0.51
4.69 TO 4.77	0.52
4.78 TO 4.86	0.53
4.87 TO 4.95	0.54
4.96 TO 5.04	0.55
5.05 TO 5.13	0.56
5.14 TO 5.22	0.57
5.23 TO 5.31	0.58
5.32 TO 5.40	0.59
5.41 TO 5.49	0.60
5.50 TO 5.59	0.61
5.60 TO 5.68	0.62
5.69 TO 5.77	0.63
5.78 TO 5.86	0.64
5.87 TO 5.95	0.65
5.96 TO 6.04	0.66
6.05 TO 6.13	0.67
6.14 TO 6.22	0.68
6.23 TO 6.31	0.69
6.32 TO 6.40	0.70
6.41 TO 6.49	0.71
6.50 TO 6.59	0.72
6.60 TO 6.68	0.73
6.69 TO 6.77	0.74
6.78 TO 6.86	0.75
6.87 TO 6.95	0.76
6.96 TO 7.04	0.77
7.05 TO 7.13	0.78
7.14 TO 7.22	0.79
7.23 TO 7.31	0.80
7.32 TO 7.40	0.81
7.41 TO 7.49	0.82
7.50 TO 7.59	0.83
7.60 TO 7.68	0.84
7.69 TO 7.77	0.85
7.78 TO 7.86	0.86
7.87 TO 7.95	0.87
7.96 TO 8.04	0.88
8.05 TO 8.13	0.89
8.14 TO 8.22	0.90
8.23 TO 8.31	0.91
8.32 TO 8.40	0.92
8.41 TO 8.49	0.93
8.50 TO 8.59	0.94

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

6.63	TO	6.71	0.75
6.72	TO	6.79	0.76
6.80	TO	6.88	0.77
6.89	TO	6.97	0.78
6.98	TO	7.06	0.79
7.07	TO	7.15	0.80
7.16	TO	7.24	0.81
7.25	TO	7.33	0.82
7.34	TO	7.42	0.83
7.43	TO	7.51	0.84
7.52	TO	7.59	0.85
7.60	TO	7.68	0.86
7.69	TO	7.77	0.87
7.78	TO	7.86	0.88
7.87	TO	7.95	0.89
7.96	TO	8.04	0.90
8.05	TO	8.13	0.91
8.14	TO	8.22	0.92
8.23	TO	8.31	0.93
8.32	TO	8.39	0.94
8.40	TO	8.48	0.95
8.49	TO	8.57	0.96
8.58	TO	8.66	0.97
8.67	TO	8.75	0.98
8.76	TO	8.84	0.99
8.85	TO	8.93	1.00
8.94	TO	9.02	1.01
9.03	TO	9.11	1.02
9.12	TO	9.19	1.03
9.20	TO	9.28	1.04
9.29	TO	9.37	1.05
9.38	TO	9.46	1.06
9.47	TO	9.55	1.07
9.56	TO	9.64	1.08
9.65	TO	9.73	1.09
9.74	TO	9.82	1.10
9.83	TO	9.91	1.11
9.90	TO	9.99	1.12
10.00	TO	10.08	1.13

11 1/2% Tax Rate

IF TRANSACTION IS:		TAX IS:
0.01	TO 0.04	0.00
0.05	TO 0.13	0.01
0.14	TO 0.21	0.02
0.22	TO 0.30	0.03

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

2.36	TO	2.44	0.27
2.45	TO	2.53	0.28
2.54	TO	2.62	0.29
2.63	TO	2.71	0.30
2.72	TO	2.79	0.31
2.80	TO	2.88	0.32
2.89	TO	2.97	0.33
2.98	TO	3.06	0.34
3.07	TO	3.15	0.35
3.16	TO	3.24	0.36
3.25	TO	3.33	0.37
3.34	TO	3.42	0.38
3.43	TO	3.51	0.39
3.52	TO	3.59	0.40
3.60	TO	3.68	0.41
3.69	TO	3.77	0.42
3.78	TO	3.86	0.43
3.87	TO	3.95	0.44
3.96	TO	4.04	0.45
4.05	TO	4.13	0.46
4.14	TO	4.22	0.47
4.23	TO	4.31	0.48
4.32	TO	4.39	0.49
4.40	TO	4.48	0.50
4.49	TO	4.57	0.51
4.58	TO	4.66	0.52
4.67	TO	4.75	0.53
4.76	TO	4.84	0.54
4.85	TO	4.93	0.55
4.94	TO	5.02	0.56
5.03	TO	5.11	0.57
5.12	TO	5.19	0.58
5.20	TO	5.28	0.59
5.29	TO	5.37	0.60
5.38	TO	5.46	0.61
5.47	TO	5.55	0.62
5.56	TO	5.64	0.63
5.65	TO	5.73	0.64
5.74	TO	5.82	0.65
5.83	TO	5.91	0.66
5.92	TO	5.99	0.67
6.00	TO	6.08	0.68
6.09	TO	6.17	0.69
6.18	TO	6.26	0.70
6.27	TO	6.35	0.71
6.36	TO	6.44	0.72
6.45	TO	6.53	0.73
6.54	TO	6.62	0.74

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

4.48	TO	4.56	0.52
4.57	TO	4.65	0.53
4.66	TO	4.73	0.54
4.74	TO	4.82	0.55
4.83	TO	4.91	0.56
4.92	TO	4.99	0.57
5.00	TO	5.08	0.58
5.09	TO	5.17	0.59
5.18	TO	5.26	0.60
5.27	TO	5.34	0.61
5.35	TO	5.43	0.62
5.44	TO	5.52	0.63
5.53	TO	5.60	0.64
5.61	TO	5.69	0.65
5.70	TO	5.78	0.66
5.79	TO	5.86	0.67
5.87	TO	5.95	0.68
5.96	TO	6.04	0.69
6.05	TO	6.13	0.70
6.14	TO	6.21	0.71
6.22	TO	6.30	0.72
6.31	TO	6.39	0.73
6.40	TO	6.47	0.74
6.48	TO	6.56	0.75
6.57	TO	6.65	0.76
6.66	TO	6.73	0.77
6.74	TO	6.82	0.78
6.83	TO	6.91	0.79
6.92	TO	6.99	0.80
7.00	TO	7.08	0.81
7.09	TO	7.17	0.82
7.18	TO	7.26	0.83
7.27	TO	7.34	0.84
7.35	TO	7.43	0.85
7.44	TO	7.52	0.86
7.53	TO	7.60	0.87
7.61	TO	7.69	0.88
7.70	TO	7.78	0.89
7.79	TO	7.86	0.90
7.87	TO	7.95	0.91
7.96	TO	8.04	0.92
8.05	TO	8.13	0.93
8.14	TO	8.21	0.94
8.22	TO	8.30	0.95
8.31	TO	8.39	0.96
8.40	TO	8.47	0.97
8.48	TO	8.56	0.98
8.57	TO	8.65	0.99

DEPARTMENT OF REVENUE
NOTICE OF PROPOSED AMENDMENT

0.31	TO	0.39	0.04
0.40	TO	0.47	0.05
0.48	TO	0.56	0.06
0.57	TO	0.65	0.07
0.66	TO	0.73	0.08
0.74	TO	0.82	0.09
0.83	TO	0.91	0.10
0.92	TO	0.99	0.11
1.00	TO	1.08	0.12
1.09	TO	1.17	0.13
1.18	TO	1.26	0.14
1.27	TO	1.34	0.15
1.35	TO	1.43	0.16
1.44	TO	1.52	0.17
1.53	TO	1.60	0.18
1.61	TO	1.69	0.19
1.70	TO	1.78	0.20
1.79	TO	1.86	0.21
1.87	TO	1.95	0.22
1.96	TO	2.04	0.23
2.05	TO	2.13	0.24
2.14	TO	2.21	0.25
2.22	TO	2.30	0.26
2.31	TO	2.39	0.27
2.40	TO	2.47	0.28
2.48	TO	2.56	0.29
2.57	TO	2.65	0.30
2.66	TO	2.73	0.31
2.74	TO	2.82	0.32
2.83	TO	2.91	0.33
2.92	TO	2.99	0.34
3.00	TO	3.08	0.35
3.09	TO	3.17	0.36
3.18	TO	3.26	0.37
3.27	TO	3.34	0.38
3.35	TO	3.43	0.39
3.44	TO	3.52	0.40
3.53	TO	3.60	0.41
3.61	TO	3.69	0.42
3.70	TO	3.78	0.43
3.79	TO	3.86	0.44
3.87	TO	3.95	0.45
3.96	TO	4.04	0.46
4.05	TO	4.13	0.47
4.14	TO	4.21	0.48
4.22	TO	4.30	0.49
4.31	TO	4.39	0.50
4.40	TO	4.47	0.51

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

8.66 TO 8.73
8.74 TO 8.82
8.83 TO 8.91
8.92 TO 8.99
9.00 TO 9.08
9.09 TO 9.17
9.18 TO 9.26
9.27 TO 9.34
9.35 TO 9.43
9.44 TO 9.52
9.53 TO 9.60
9.61 TO 9.69
9.70 TO 9.78
9.79 TO 9.86
9.87 TO 9.95
9.96 TO 10.00

IF TRANSACTION IS:
0.01 0.00 TO 0.04

TAX IS:

0.05 TO 0.12
0.13 TO 0.21
0.22 TO 0.29
0.30 TO 0.38
0.39 TO 0.46
0.47 TO 0.55
0.56 TO 0.63
0.64 TO 0.72
0.73 TO 0.80
0.81 TO 0.89
0.90 TO 0.97
0.98 TO 1.06
1.07 TO 1.14
1.15 TO 1.23
1.24 TO 1.31
1.32 TO 1.40
1.41 TO 1.48
1.49 TO 1.57
1.58 TO 1.65
1.66 TO 1.74
1.75 TO 1.82
1.83 TO 1.91
1.92 TO 1.99
2.00 TO 2.08
2.09 TO 2.17
2.18 TO 2.25

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

2.26 TO 2.34
2.35 TO 2.42
2.43 TO 2.51
2.52 TO 2.59
2.60 TO 2.68
2.69 TO 2.76
2.77 TO 2.85
2.86 TO 2.93
2.94 TO 3.02
3.03 TO 3.10
3.11 TO 3.19
3.20 TO 3.27
3.28 TO 3.36
3.37 TO 3.44
3.45 TO 3.53
3.54 TO 3.61
3.62 TO 3.70
3.71 TO 3.78
3.79 TO 3.87
3.88 TO 3.95
3.96 TO 4.04
4.05 TO 4.12
4.13 TO 4.21
4.22 TO 4.29
4.30 TO 4.38
4.39 TO 4.46
4.47 TO 4.55
4.56 TO 4.63
4.64 TO 4.72
4.73 TO 4.80
4.81 TO 4.89
4.90 TO 4.97
4.98 TO 5.06
5.07 TO 5.14
5.15 TO 5.23
5.24 TO 5.31
5.32 TO 5.40
5.41 TO 5.48
5.49 TO 5.57
5.58 TO 5.65
5.66 TO 5.74
5.75 TO 5.82
5.83 TO 5.91
5.92 TO 5.99
6.00 TO 6.08
6.09 TO 6.17
6.18 TO 6.25
6.26 TO 6.34

0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46
0.47
0.48
0.49
0.50
0.51
0.52
0.53
0.54
0.55
0.56
0.57
0.58
0.59
0.60
0.61
0.62
0.63
0.64
0.65
0.66
0.67
0.68
0.69
0.70
0.71
0.72
0.73
0.74

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

6.35 TO 6.42
6.43 TO 6.51
6.52 TO 6.59
6.60 TO 6.68
6.69 TO 6.76
6.77 TO 6.85
6.86 TO 6.93
6.94 TO 7.02
7.03 TO 7.10
7.11 TO 7.19
7.20 TO 7.27
7.28 TO 7.36
7.37 TO 7.44
7.45 TO 7.53
7.54 TO 7.61
7.62 TO 7.70
7.71 TO 7.78
7.79 TO 7.87
7.88 TO 7.95
7.96 TO 8.04
8.05 TO 8.12
8.13 TO 8.21
8.22 TO 8.29
8.30 TO 8.38
8.39 TO 8.46
8.47 TO 8.55
8.56 TO 8.63
8.64 TO 8.72
8.73 TO 8.80
8.81 TO 8.89
8.90 TO 8.97
8.98 TO 9.06
9.07 TO 9.14
9.15 TO 9.23
9.24 TO 9.31
9.32 TO 9.40
9.41 TO 9.48
9.49 TO 9.57
9.58 TO 9.65
9.66 TO 9.74
9.75 TO 9.82
9.83 TO 9.91
9.92 TO 9.99
10.00 TO 10.08

12% Tax Rate

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

IF TRANSACTION IS:
0.01 0-00 TO 0.04
0.05 TO 0.12
0.13 TO 0.20
0.21 TO 0.29
0.30 TO 0.37
0.38 TO 0.45
0.46 TO 0.54
0.55 TO 0.62
0.63 TO 0.70
0.71 TO 0.79
0.80 TO 0.87
0.88 TO 0.95
0.96 TO 1.04
1.05 TO 1.12
1.13 TO 1.20
1.21 TO 1.29
1.30 TO 1.37
1.38 TO 1.45
1.46 TO 1.54
1.55 TO 1.62
1.63 TO 1.70
1.71 TO 1.79
1.80 TO 1.87
1.88 TO 1.95
1.96 TO 2.04
2.05 TO 2.12
2.13 TO 2.20
2.21 TO 2.29
2.30 TO 2.37
2.38 TO 2.45
2.46 TO 2.54
2.55 TO 2.62
2.63 TO 2.70
2.71 TO 2.79
2.80 TO 2.87
2.88 TO 2.95
2.96 TO 3.04
3.05 TO 3.12
3.13 TO 3.20
3.21 TO 3.29
3.30 TO 3.37
3.38 TO 3.45
3.46 TO 3.54
3.55 TO 3.62
3.63 TO 3.70
3.71 TO 3.79
3.80 TO 3.87

TAX IS:
0.00
0.01
0.02
0.03
0.04
0.05
0.06
0.07
0.08
0.09
0.10
0.11
0.12
0.13
0.14
0.15
0.16
0.17
0.18
0.19
0.20
0.21
0.22
0.23
0.24
0.25
0.26
0.27
0.28
0.29
0.30
0.31
0.32
0.33
0.34
0.35
0.36
0.37
0.38
0.39
0.40
0.41
0.42
0.43
0.44
0.45
0.46

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

3.88	TO	3.95	0.47
3.96	TO	4.04	0.48
4.05	TO	4.12	0.49
4.13	TO	4.20	0.50
4.21	TO	4.29	0.51
4.30	TO	4.37	0.52
4.38	TO	4.45	0.53
4.46	TO	4.54	0.54
4.55	TO	4.62	0.55
4.63	TO	4.70	0.56
4.71	TO	4.79	0.57
4.80	TO	4.87	0.58
4.88	TO	4.95	0.59
4.96	TO	5.04	0.60
5.05	TO	5.12	0.61
5.13	TO	5.20	0.62
5.21	TO	5.29	0.63
5.30	TO	5.37	0.64
5.38	TO	5.45	0.65
5.46	TO	5.54	0.66
5.55	TO	5.62	0.67
5.63	TO	5.70	0.68
5.71	TO	5.79	0.69
5.80	TO	5.87	0.70
5.88	TO	5.95	0.71
5.96	TO	6.04	0.72
6.05	TO	6.12	0.73
6.13	TO	6.20	0.74
6.21	TO	6.29	0.75
6.30	TO	6.37	0.76
6.38	TO	6.45	0.77
6.46	TO	6.54	0.78
6.55	TO	6.62	0.79
6.63	TO	6.70	0.80
6.71	TO	6.79	0.81
6.80	TO	6.87	0.82
6.88	TO	6.95	0.83
6.96	TO	7.04	0.84
7.05	TO	7.12	0.85
7.13	TO	7.20	0.86
7.21	TO	7.29	0.87
7.30	TO	7.37	0.88
7.38	TO	7.45	0.89
7.46	TO	7.54	0.90
7.55	TO	7.62	0.91
7.63	TO	7.70	0.92
7.71	TO	7.79	0.93
7.80	TO	7.87	0.94

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

7.88	TO	7.95	0.95
7.96	TO	8.04	0.96
8.05	TO	8.12	0.97
8.13	TO	8.20	0.98
8.21	TO	8.29	0.99
8.30	TO	8.37	1.00
8.38	TO	8.45	1.01
8.46	TO	8.54	1.02
8.55	TO	8.62	1.03
8.63	TO	8.70	1.04
8.71	TO	8.79	1.05
8.80	TO	8.87	1.06
8.88	TO	8.95	1.07
8.96	TO	9.04	1.08
9.05	TO	9.12	1.09
9.13	TO	9.20	1.10
9.21	TO	9.29	1.11
9.30	TO	9.37	1.12
9.38	TO	9.45	1.13
9.46	TO	9.54	1.14
9.55	TO	9.62	1.15
9.63	TO	9.70	1.16
9.71	TO	9.79	1.17
9.80	TO	9.87	1.18
9.88	TO	9.95	1.19
9.96	TO	10.00	1.20

(Source: Amended at 22 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hearings Before the Office of Banks and Real Estate
- 2) Code Citation: 38 Ill. Adm. Code 392
- 3) Section Number:
 392.10 Adopted Action:
 Amendment
 392.20 Amendment
 392.30 Amendment
 392.40 Amendment
 392.80 Amendment
 392.170 Amendment
 392.200 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 48 of the Illinois Banking Act [205 ILCS 5/48], Section 20 of the Electronic Fund Transfer Act [205 ILCS 616/20], Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1], Section 3.074 of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.074] Section 7 of the Foreign Bank Representative Office Act [205 ILCS 650/7], Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05], Section 38 of the Check Printer and Check Number Act [205 ILCS 690/38], and Section 18 of the Foreign Banking Office Act [205 ILCS 645/18].

5) Effective Date of Adopted Amendment: July 28, 1998

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Amendments was published in Illinois Register:
 May 15, 1998, 22 Ill. Reg. 8239

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this Part? No

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rules: The proposed changes make these hearing rules applicable to two existing, and two new, regulatory programs which have been made the responsibility of the Office of Banks and Real Estate. (The Joint Committee on Administrative Rules has encouraged this agency and others to consolidate hearing rules when possible.) The rulemaking also expands the grounds for permitting evidence depositions in lieu of actual testimony at hearings.

16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
 Office of Banks and Real Estate
 500 East Monroe, Suite 900
 Springfield, Illinois 62701
 217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 392

HEARINGS BEFORE THE OFFICE OF BANKS AND REAL ESTATE

Section

392.10 Applicability
 392.20 Definitions
 392.30 Request for a Hearing
 392.40 Form of Request for a Hearing
 392.50 Hearing Officer
 392.60 Notice of Hearing
 392.70 Motions
 392.80 Answer
 392.90 Form of Pleadings
 392.100 Service
 392.110 Appearances
 392.120 Consolidation of Hearing Proceedings
 392.130 Authority of Hearing Officer
 392.140 Prehearing Conferences
 392.150 Subpoenas
 392.160 Discovery
 392.170 Evidence Depositions
 392.180 Conduct of a Hearing
 392.190 Evidence
 392.200 Record of Hearing Proceedings
 392.210 Briefs
 392.220 Hearing Officer's Recommendation
 392.230 Commissioner's Determination
 392.240 Construction of Rules

AUTHORITY: Implementing and authorized by Section 48 of the Illinois Banking Act [205 ILCS 5/48], Section 20 of the Electronic Fund Transfer Act [205 ILCS 616/20], Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1], Section 3.074 of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.074], Section 7 of the Foreign Bank Representative Office Act [205 ILCS 650/7], Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05], Section 38 of the Check Printer and Check Number Act [205 ILCS 690/38], and Section 18 of the Foreign Banking Office Act [205 ILCS 645/18].

SOURCE: Adopted at 11 Ill. Reg. 8917; effective April 24, 1987; amended at 11 Ill. Reg. 16424, effective October 6, 1987; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to P.A. 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 14723, effective JUL 28 1998.

Section 392.10 Applicability

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

This Part shall apply to hearings conducted under the jurisdiction of the Office of Banks and Real Estate or the Commissioner of Banks and Real Estate pursuant to Section 48 of the Illinois Banking Act [205 ILCS 5/48], Section 20 of the Electronic Fund Transfer Act [205 ILCS 616/20], Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1], Section 3.074 of the Illinois Bank Holding Company Act of 1957 [205 ILCS 10/3.074], Section 7 of the Foreign Bank Representative Office Act [205 ILCS 650/7], Section 0.05 of the Pawnbroker Regulation Act [205 ILCS 510/0.05], Section 38 of the Check Printer and Check Number Act [205 ILCS 690/38], and Section 18 of the Foreign Banking Office Act [205 ILCS 645/18].

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.20 Definitions

"Administrative decision" means an order, fine or other regulatory action issued by the Office of Banks and Real Estate pursuant to authority granted under the Illinois Banking Act [205 ILCS 5], the Electronic Fund Transfer Act [205 ILCS 616], the Corporate Fiduciary Act [205 ILCS 620], the Illinois Bank Holding Company Act of 1957 [205 ILCS 10], the Foreign Bank Representative Office Act [205 ILCS 650], the Pawnbroker Regulation Act [205 ILCS 510], the Check Printer and Check Number Act [205 ILCS 690], or the Foreign Banking Office Act [205 ILCS 645], but does not include a determination in an arbitration arising under the Electronic Fund Transfer Transmission Facility Act nor an order of removal issued by the Commissioner pursuant to Section 48(7) of the Illinois Banking Act or Section 5-6 of the Corporate Fiduciary Act.

"Commissioner" means the Commissioner of Banks and Real Estate, or a person authorized by the Commissioner to act in the Commissioner's stead.

"Hearing officer" means the Commissioner or an attorney licensed in the State of Illinois who is the presiding official appointed by the Commissioner to conduct a hearing.

"Party" includes the Commissioner and any person subject to an administrative decision.

"Person" means a an individual or business entity state-bank-national bank-foreign-banking-corporation-state-savings-and-loan-association-federal-savings-and-loan-association-credit-union-any-licensee-under the-Consumer-Installment-Loan-Act-[205-ILCS-690]-a-trust-company-or any-other-corporation-authorized-to-accept-or-execute-trusts-under the-Corporate-Fiduciary-Act-[205-ILCS-620]-a-funds-transfer corporation-transmission-facility-proprietary-network-similar

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

facility-and-any-director-officer-employee-or-agent-thereof.

"Respondent" means the persons person(s) named in the administrative decision.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.30 Request for a Hearing

Any party may file a Request for a Hearing on an administrative decision. With respect to an administrative decision issued pursuant to Section 10-101 of the Electronic Fund Transfer Transmission Facility Act, if no request for a hearing is filed, the Commissioner shall deem one to have been filed.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.40 Form of Request for a Hearing

The Request for a Hearing shall be filed within ten (10) days after receipt of an administrative decision and shall:

- clearly state the name of the respondent;
- identify the administrative decision with respect to which a hearing is requested;
- be typewritten on 8 1/2 x 11 inch paper;
- be signed by the respondent or by the respondent's attorney and shall contain the address and telephone number of the individual signing the document; and
- be sent by either certified mail, return receipt requested, or by personal delivery to the Office of Banks and Real Estate, 500 East Monroe, Springfield, Illinois 62701.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.80 Answer

- An answer to an administrative decision is not required unless the respondent requests a hearing on such decision. With respect to an administrative decision issued pursuant to Section 10-101 of the Electronic Fund Transfer Transmission Facility Act, if no answer is filed, the Commissioner shall deem one to have been filed which denies all allegations contained within the administrative decision.
- An answer to an administrative decision shall be filed with the Commissioner and the hearing officer, if one has been appointed, within twenty (20) days after the day on which the administrative decision is served upon an respondent.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- An answer shall contain an explicit admission, denial or appropriate response to each allegation contained within an administrative decision.

- Allegations in an administrative decision to which there is no response shall be deemed admitted.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.170 Evidence Depositions

Evidence depositions may be ordered by the hearing officer upon a showing that, at the time of the hearing, the person deposed will not be available to participate in the hearing because of exceptional circumstances such as impending death, or imprisonment, or illness, imprisonment, or other hardship.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

Section 392.200 Record of Hearing Proceedings

- The hearing officer shall appoint a licensed court reporter to make a stenographic transcript of all hearings.

- The record in a hearing shall include:

- the items listed in Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35]; and
- the transcript of a hearing.

- The cost of any copy of the transcript requested by any party to the proceeding shall be borne by such party.

- The record shall be made available for examination by a party to the proceeding at the Commissioner's Springfield office (500 East Monroe Street, Springfield, Illinois 62701-1532) or Chicago office (310 S. Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278) during regular office hours.

(Source: Amended at 22 Ill. Reg. 14723, effective JUL 28 1998)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Reimbursement to Banks and Corporate Fiduciaries for Financial Records

2) Code Citation: 38 Ill. Adm. Code 356

3) Section Number: 356.20
Adopted Action:
Amendment

4) Statutory Authority: Implementing Section 48.1(g) and authorized by Section 48(6) of the Illinois Banking Act [205/ILCS 5/48.1(g) and 48(6)] and implementing Section 5-11 and authorized by the Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-11 and 5-1].

5) Effective Date of Adopted Amendment: July 28, 1998

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Amendments was published in Illinois Register:
May 15, 1998, 22 Ill. Reg. 8245

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.

13) Will this amendment replace emergency amendments currently in effect? No

14) Are there any other proposed amendments pending on this part? No

15) Summary and Purpose of Rules: This amendment will increase the amount at which a bank or corporate fiduciary may be reimbursed for producing data for a customer in response to a subpoena, summons, warrant, or court order. Section 356.20 has not been amended in nearly eight years.

16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Office of Banks and Real Estate
500 East Monroe, Suite 900

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

REIMBURSEMENT TO BANKS AND CORPORATE FIDUCIARIES FOR FINANCIAL RECORDS
PART 356

Section	
356.10	General Rule for Reimbursement of Costs
356.20	Rates of Reimbursement
356.30	Documentation of Costs
356.40	Payment of Costs

AUTHORITY: Implementing Section 48.1(g) and authorized by Section 48(6) of the Illinois Banking Act [205 ILCS 5/48.1(g) and 48(6)] and implementing Section 5-11 and authorized by Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-11 and 5-1].

SOURCE: Adopted at 12 Ill. Reg. 11182, effective August 8, 1988; amended at 14 Ill. Reg. 11183, effective July 15, 1990; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 14729, effective JUL 28 1998.

Section 356.20 Rates of Reimbursement

- a) Personnel costs incurred in locating, retrieving, reproducing and preparing financial records shall be reimbursed at the rate of \$20.15-80 per hour per person.
- b) Reproduction costs incurred in making photocopies of documents shall be reimbursed at 30.25 cents per exposure. Reproductions of microfilm, microfiche, photographs, films and other materials shall be reimbursed at actual cost.
- c) Transportation costs incurred in transporting bank personnel to locate and retrieve material, and to convey the material to the place of examination, shall be reimbursed at the rate of 31.5.25-172 cents per mile or, if a mail or courier service is used, at the actual cost of such service.
- d) All other costs, including, but not limited to, telephone calls, telegrams and shipping costs, incurred in searching for, reproducing and transporting data pursuant to a request for financial records, shall be reimbursed at actual cost.

(Source: Amended at 22 Ill. Reg. _____, effective

JUL 28 1998)

14729

OFFICE OF BANKS REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Reverse Mortgage Loans
- 2) Code Citation: 38 Ill. Adm. Code 300
- 3) Section Number: Adopted Action:
300.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5a of the Illinois Banking Act [205ILCS 5/5a].
- 5) Effective Date of Adopted Amendment: July 28, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Amendments was published in Illinois Register:
May 15, 1998, 22 Ill. Reg. 8248
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rule is based on, and mandated by, Section 5a of the Illinois Banking Act, which was amended by Public Act 88- 643. The proposed rulemaking makes the language of Section 300.20 consistent with that statutory change.

16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

OFFICE OF BANKS REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

The full text of the Adopted Amendments begins on the next page:

OFFICE OF BANKS REAL ESTATE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 300

REVERSE MORTGAGE LOANS

Section

300.10 Scope

300.20 Definitions

300.30 Requirements

AUTHORITY: Implementing and authorized by Section 5a of the Illinois Banking Act [205 ILCS 5/5a].

SOURCE: Adopted at 3 Ill. Reg. 21, p. 74, effective May 9, 1979; amended at 6 Ill. Reg. 11481, effective September 15, 1982; codified at 7 Ill. Reg. 11709; recodified from Chapter II, Commissioner of Banks and Trust Companies, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 22 Ill. Reg. 14732, effective JUL 28 1998.

Section 300.20 Definitions

For the purposes of this Part Section the following definitions shall apply:

"Homestead Property" means the domicile and contiguous real estate owned and occupied by the mortgagor.

"Reverse Mortgage Loan" means a loan secured by the existing equity in the homestead property, the proceeds of which are used for the purpose of making home improvements or repair, paying insurance premiums or paying real estate taxes on the homestead property.

(Source: Amended at 22 Ill. Reg. 14732, effective

JUL 28 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:
 302.270 Amend
 302.300 Amend
 302.610 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/8b.6 and 8b.12].
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register:
 May 8, 1998, 22 Ill. Reg. 7727
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: Section 302.300 and 302.610 now state that an employee reinstated prior to January 1, 1999 shall serve an additional six month probationary period and an employee reinstated on or after January 1, 1999 shall serve an additional four month probationary period. Several minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
 No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: A clarifying change is being made to Section 302.270(c) so that it conforms with an earlier amendment which provides for a four month probationary period following promotion. Section 302.270(d) is also being clarified so that it provides for annual performance evaluations, consistent with Section 310.450 of the Pay Plan. Changes to Sections 302.300 and 302.610 would shorten the probationary period for employees reinstated on or after January 1, 1999 from six

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

months to four months, thus conforming it to the probationary period for promotional appointments. As with promoted employees, employees who are reinstated have already served a six month probationary period at the time of their initial appointment to State service. In addition, like employees who are promoted, reinstated employees have demonstrated good performance since a reinstated employee must have left State service in good standing. The January 1st effective date should give agencies sufficient time to implement the change.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
 720 Stratton Office Building
 Springfield, IL 62706
 (217)782-9669

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302

MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	
302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regarding Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section	
302.170	Programs
302.175	Appointments
302.180	Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

Section	
302.190	Definitions
302.200	Interruptions In Continuous Service

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.210	Deductions From Continuous Service
302.215	Leave of Absence for Educational Purposes
302.220	Veterans Continuous Service
302.230	Peace or Job Corps Enrollees Continuous Service
302.240	Accrual and Retention of Continuous Service During Certain Leaves
302.250	Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

Section	
302.260	Performance Records
302.270	Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

Section	
302.300	Probationary Period
302.310	Certified Status
302.320	Status Change in Probationary Period
302.325	Intermittent Status

SUBPART G: PROMOTIONS

Section	
302.330	Eligibility for Promotion
302.335	Limitations On Promotions
302.340	Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

Section	
302.400	Transfer
302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
302.432	Notice To Employee
302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
302.445	Transfer of Duties
302.450	Limitations on Transfers
302.460	Employee Records

SUBPART I: DEMOTION

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.470 Demotion
 302.480 Notice to Employee
 302.490 Employee Obligations
 302.495 Salary and Other Benefits of Employee
 302.496 Appeal by Certified Employee
 302.497 Demotion of Other Employees
 302.498 Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section
 302.500 Voluntary Reduction of Certified and Probationary Employees
 302.505 Limitations in Voluntary Reduction
 302.507 Definition of Layoff
 302.510 Temporary Layoff
 302.512 Use of Accrued Benefits During Temporary Layoff
 302.514 Notice of Temporary Layoff
 302.516 Return from Temporary Layoff
 302.518 Scheduling for Temporary Layoffs
 302.519 Deferral of Wages
 302.520 Indeterminate Layoff Procedure
 302.523 Voluntary Indeterminate Layoff
 302.525 Disapproval
 302.530 Order of Layoff
 302.540 Effective Date of Layoff
 302.550 Employee Opportunity to Seek Voluntary Reduction
 302.560 Order of Preference in Voluntary Reduction
 302.570 Reemployment Lists
 302.580 Employment From Reemployment List
 302.590 Removal of Names From Reemployment List
 302.595 Laid Off Probationary Employee
 302.596 Appeal by Employee
 302.597 Reinstatement from Layoff
 302.600 Resignation
 302.610 Reinstatement

SUBPART K: DISCHARGE AND DISCIPLINE

Section
 302.625 Definition of Certified Employee
 302.626 Progressive Corrective Discipline
 302.628 Prohibited Disciplinary Action
 302.630 Disciplinary Action Warning Notice
 302.640 Suspension Totalling Not More Than Thirty Days in any Twelve Month Period
 302.660 Suspension Totalling More than Thirty Days in any Twelve Month Period
 302.670 Approval of Director of Central Management Services
 302.680 Notice to Employee

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.690 Employee Obligations
 302.700 Cause for Discharge
 302.705 Pre-Termination Hearing
 302.710 Suspension Pending Decision on Discharge
 302.720 Discharge of Certified Employee
 302.730 Notice to Employee
 302.750 Appeal by Employee
 302.780 Discharge of Probationary Employees
 302.781 Reinstatement from Suspension or Discharge
 302.785 Suspension Resulting From Arrest or Criminal Indictment/Suspension
 Pending Judicial Verdict
 Prohibition of Discrimination
 302.790

SUBPART L: TERM APPOINTMENTS

Section
 302.800 Definition of Terms
 302.810 Positions Subject to Term Appointments
 302.820 Appointment
 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
 302.822 Appointees Under Term Appointments
 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
 302.824 No Reallocation to Term Positions
 302.825 Reemployment Rights to Term Appointment
 302.830 Expiration of Term Appointment
 302.840 Renewal Procedures
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
 302.842 Effective Date of Reappointment or Termination (Repealed)
 302.846 Change in Position Factors Affecting Term Appointment Exclusion
 302.850 Reconsideration Request
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1988; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective AUG 03 1998.

SUBPART E: PERFORMANCE REVIEW

Section 302.270 Performance Evaluation Forms

- a) Performance records shall include an evaluation of employee performance prepared by each agency on forms prescribed by the Director.
- b) For any employee serving a six month probationary period, the agency shall prepare and submit to the Department two such evaluations, one at the end of the third month of the employee's probationary period and another 15 fifteen days before the conclusion thereof.
- c) For an employee serving a four three month probationary period, the agency shall prepare and submit to the Department an evaluation form three two and one half months after the commencement of the probationary period.
- d) For a certified employee, each agency shall prepare such evaluation not less often than annually each--time--an--employee--receives--a satisfactory--or--superior--performance--increase--under--the--Department's Pay-plan.

(Source: Amended at 22 Ill. Reg. 14735, effective AUG 03 1998)

SUBPART F: PROBATIONARY STATUS

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by:
 - 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- provided under Section 302.610;
 - 2) an employee who--is--reinstated--as--provided--under--Section--302-610;
 - 2)3) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period. An employee--transferred--during--the--probationary--period--shall--serve--that--portion--of--the--probationary--period--which--was--not--completed--at--the--time--of--such--transfer.
- c) An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- d) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.
- e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 22 Ill. Reg. 14735, effective AUG 03 1998)

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section 302.610 Reinstatement

- a) On request of an operating agency, the Director may reinstate a former certified employee who resigned or terminated in good standing or whose position was reallocated downward or who was laterally transferred or whose name was placed on a reemployment list. Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to a position in any other position class for which the employee is qualified. The Director may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code, the University Civil Service System of Illinois, Comptroller Merit Employment Code or the State Treasurer Employment Code. An employee reinstated prior to January 1, 1999 shall serve an additional six month probationary period in the position. An employee reinstated on or after January 1, 1999 shall serve an additional four month probationary period in the position. A reinstated--employee--shall--serve--an--additional--six--month--probationary--period--in--the--position. Request for reinstatement shall be

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- accompanied by the employee's performance records when available.
- b) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. If reinstated to a position in a lower pay grade than that for which the employee is eligible for reemployment, it shall have no effect on the employee's reemployment rights.

(Source: Amended at 22 Ill. Reg. 14735, effective AUG 03 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:
112.68 Amendment
112.79 Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) Effective Date of Amendments: August 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 3, 1998 (22 Ill. Reg. 6024)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. In Section 112.68(c)(7), a comma was added after "(89 Ill. Adm. Code 112.79)".
 2. In Section 112.79(b)(8), "of" was changed to "after".
 3. In Section 112.79(j), a comma was added after "(89 Ill. Adm. Code 160.30)".

No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.1	Amendment	22 Ill. Reg. 13286
112.9	Amendment	22 Ill. Reg. 13286
112.52	Amendment	22 Ill. Reg. 11290
112.70	Amendment	22 Ill. Reg. 13286
112.72	Amendment	22 Ill. Reg. 13286
112.74	Amendment	22 Ill. Reg. 13286
112.78	Amendment	22 Ill. Reg. 13286
112.79	Amendment	22 Ill. Reg. 13286
112.88	Amendment	22 Ill. Reg. 13286
112.110	Amendment	22 Ill. Reg. 10987
112.305	Amendment	22 Ill. Reg. 9102
112.310	New Section	22 Ill. Reg. 11683

15) Summary and Purpose of Rule(s):

These amendments provide changes in the sanction process for the Temporary Assistance for Needy Families (TANF) program. Clients are subject to sanction for failure to cooperate, without good cause, in any of three areas:

1. school attendance initiative,
2. employment and training programs, and
3. child support enforcement.

The sanction process is progressive in nature with each of the three levels carrying a greater penalty than the previous level. If a client is sanctioned once, a second sanction results in a more severe penalty and a third sanction results in yet a more severe penalty than a second sanction.

Currently, if a sanction is taken under one area (e.g., child support enforcement), a subsequent sanction under a different area (e.g., employment programs) does not result in a second level or more severe sanction. Instead, it results in a first level sanction in the employment area. This is a complicated process and fails to send the message to clients that cooperation in all programs is required and cooperation in all areas is interrelated.

Under this rulemaking, the three program areas will be treated as a single track for sanction purposes. After a sanction is taken under one of the three tracks, any subsequent sanction that occurs under any of the tracks will be at the next level of sanction. Therefore, failure to cooperate in one area a second time or failure to cooperate in one of the other two areas a first time will result in a second level (a more severe sanction) and so on through the three sanction levels.

As a result of these amendments, a sanction under the School Attendance Initiative (89 Ill. Adm. Code 112.68), employment and training programs

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

and the Responsibility and Services Plan (89 Ill. Adm. Code 112.79), and Child Support Enforcement (89 Ill. Adm. Code 160.30) will be considered along one track. After a sanction is taken under one Section, a subsequent sanction under that Section or either of the other two Sections will be at the next level of sanction.

Companion amendments are being adopted by the Department of Public Aid to 89 Ill. Adm. Code 160 to implement this change.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendments begin on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TANF Employment and Work Activities
Sanctions

112.78
112.79
112.80
112.81
112.82
112.83
112.84
112.85

Good Cause for Failure to Comply with TANF Participation Requirements
Responsible Relative Eligibility for JOBS (Repealed)
Supportive Services
Teen Parent Services
Work Experience Evaluation Project (Repealed)
Four Year College/Vocational Training Demonstration Project
(Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86
112.87
112.88
112.89
112.90
112.91
112.93
112.95

Project Advance (Repealed)
Project Advance Experimental and Control Groups (Repealed)
Project Advance Participation Requirements of Experimental Group
Members and Adjudicated Fathers (Repealed)
Project Advance Cooperation Requirements of Experimental Group
Members and Adjudicated Fathers (Repealed)
Project Advance Sanctions (Repealed)
Good Cause for Failure to Comply with Project Advance (Repealed)
Individuals Exempt From Project Advance (Repealed)
Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
112.98

Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100
112.101
112.105
112.106
112.107
112.108
112.110
112.115
112.120
112.125
112.126
112.127
112.128
112.130
112.131

Unearned Income
Unearned Income of Stepparent or Parent
Budgeting Unearned Income
Budgeting Unearned Income of Applicants Employed On Date of
Application And/Or Date Of Decision
Initial Receipt of Unearned Income
Termination of Unearned Income
Exempt Unearned Income
Education Benefits
Incentive Allowances
Unearned Income In-Kind
Earmarked Income
Lump-Sum Payments
Protected Income (Repealed)
Earned Income
Earned Income Tax Credit

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section
112.1
112.5

Description of the Assistance Program
Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8
112.9
112.10
112.20
112.30
112.40
112.50
112.52
112.54
112.60
112.61
112.62
112.63
112.64
112.65
112.66
112.67
112.68
112.69

Caretaker Relative
Client Cooperation
Citizenship
Residence
Age
Relationship
Living Arrangement
Social Security Numbers
Assignment of Medical Support Rights
Basis of Eligibility
Death of a Parent (Repealed)
Incapacity of a Parent (Repealed)
Continued Absence of a Parent (Repealed)
Unemployment of the Parent (Repealed)
Responsibility and Services Plan
Alcohol and Substance Abuse Treatment
Restriction in Payment to Households Headed by a Minor Parent
School Attendance Initiative
Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section
112.70
112.71
112.72
112.73
112.74
112.75
112.76
112.77

Employment and Work Activity Requirements
Individuals Exempt from TANF Employment and Work Activity
Requirements
Participation/Cooperation Requirements
Adolescent Parent Program (Repealed)
Responsibility and Services Plan
Teen Parent Personal Responsibility Plan (Repealed)
TANF Orientation
Reconciliation and Fair Hearings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels in Group I Counties
112.253 Payment Levels in Group II Counties
112.254 Payment Levels in Group III Counties
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

After 8/22/96
112.309 Institutional Status
112.315 Young Parent Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; amended at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assess the specific family situation and will develop a service plan with the family that will include getting the child to regularly attend school.

- 4) The service plan for the truant child in grades seven and eight is completed by the social service agency, school, juvenile justice system or other agency. The plan includes options such as community service, mandatory after school tutoring/mentoring programs, and working with juvenile advocates. It may also include suspension from extracurricular activities. Contact with law enforcement may also be involved.

b) Use of Protective Payee

- 1) Upon failure of the family to cooperate with the referral, or with the service plan, as determined by the social service provider, the family will be placed under a Protective Payee with the Social Service Network Representative acting as the payee for the family's TANF grant. The provisions of 89 Ill. Adm. Code 117.10 shall otherwise apply.

- 2) The Protective Payee will remain in effect until the family follows through with the service plan, as determined by the social service provider. The protective payee may be discontinued during the months of June, July and August at the option of the service provider.

c) Cash Assistance Sanctions

- 1) If a protective payee plan, as provided in subsection (b) of this Section, has been in effect for at least three months and the child continues to regularly miss school, as defined by the school, the cash assistance payment will be reduced by 50 percent of the family's payment level until the attendance is satisfactory. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.

- 2) For a second instance, the cash assistance payment will be reduced by 50 percent of the family's payment level for three months. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.

- 3) For a third instance and any subsequent instance, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the requirement is met during the three-month sanction period.

- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A single period of continuous assistance is not interrupted by a loss of all cash assistance due to a sanction. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

- 5) Reconciliation must be attempted before imposing a sanction under this Section.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 6) Sanctions will not be applied during the months of June, July and August, except in the case of year-round schools.

- 7) Sanctions under this Section, employment and training programs and the Responsibility and Services Plan (89 Ill. Adm. Code 112.79), and Child Support Enforcement (89 Ill. Adm. Code 160.30) shall be considered along one track. After a sanction is taken under one Section, a subsequent sanction under that Section or either of the other two Sections will be at the next level of sanction, as set out above.

(Source: Amended 1993 22 Ill. Reg. 14744, effective August 01 1993)

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.79 Sanctions

- a) Sanctions may be imposed against those participants who fail to participate without good cause. Sanctions shall be based on instances of non-cooperation which occur on or after July 1, 1997. The sanction penalty shall be as follows:

- 1) For the first instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

- 2) For the second instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

- 3) For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.

- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

b) Sanction Reasons

Sanctioning of a participant will result from one instance of any of the following unless reconciliation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) discontinuing part-time employment (less than 20 hours per week);
 - 4) reducing employment (that is, hours of employment) to less than 20 hours per week;
 - 5) failure to respond to a call-in notice for an Orientation appointment (see Section 112.76). This reason only applies to nonexempt clients who are mandated to participate;
 - 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74). This reason only applies to nonexempt clients who are mandated to participate;
 - 7) failure to participate in the activity;
 - 8) failure to respond to a written notice for a meeting. For the purpose of determining attendance at meetings, if participant arrives anytime within 30 minutes after of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
 - 9) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every 30 days when employer contact activity is required;
 - 10) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or interrupting participation in work or training activities;
 - 11) failure to maintain satisfactory participation of at least 75% in below post-secondary and post-secondary education activities; or
 - 12) failure to provide verification of education/training activities, employability status, etc.
- c) No sanction will be imposed until staff has sent the participant a written notice scheduling a good cause determination/ reconciliation meeting to determine whether the participant had good cause for his or her failure to comply with requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the reconciliation process will continue (see Section 112.77) to enable resolving disputes related to participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.
- d) A sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).
- e) The notice of change form issued for a sanction shall include the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) a description of the acts of noncooperation, including dates where applicable;
 - 2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria); and
 - 3) the following language will be required for participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.
 - f) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.
 - g) A sanction under this Section shall not affect receipt of Medical Assistance. ~~Bikewise--a sanction--for child support enforcement--of the school--attendance--initiative--does--not--affect--any--instances--of non-cooperation--under--this--Section.~~
 - h) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously.
 - i) A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation or, for second or third instances of sanction, at the end of the three month period, whichever is later.
- 11) Sanctions under this Section, Child Support Enforcement (89 Ill. Adm. Code 160.30), and the School Attendance Initiative (89 Ill. Adm. Code 112.68(c)) shall be considered along one track. After sanction is taken under one Section, a subsequent sanction under that Section or either of the other two Sections will be at the next level of sanction, as set out in Section 112.79(a) of this Section.

(Source: Amended at 22 Ill. Reg. 14744, effective AUG 01 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Boat and Snowmobile Registration and Safety
- 2) Code Citation: 17 Ill. Adm. Code 2010
- 3) Section Numbers: Adopted Action:
2010.21 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8664
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Section 2010.21(a) - added a comma following "and"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to eliminate the need for a motorized vehicle used for transportation on water to be titled both by the Secretary of State and the Department of Natural Resources.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER e: LAW ENFORCEMENT

PART 2010

BOAT AND SNOWMOBILE REGISTRATION AND SAFETY

Section	Form of Application for Boat Registration and Title
2010.20	Application Requirements on Motorized Vehicles Titled by the Illinois Secretary of State
2010.21	Form of Application for Snowmobile Registration
2010.25	Numbering Pattern to be Used for Boat Registration
2010.30	Numbering Pattern to be Used for Snowmobile Registration
2010.35	Display of Number on Boats
2010.40	Change of Address (Repealed)
2010.50	Reports in Case of Accident
2010.60	Statutory Authority (Repealed)
2010.70	Renewals for Boat and Snowmobile Registration
2010.80	Authorized Dealers
2010.90	

AUTHORITY: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].

SOURCE: Filed January 13, 1960; codified at 5 Ill. Reg. 10660; amended at 8 Ill. Reg. 7801, effective May 23, 1984; amended at 10 Ill. Reg. 9769, effective May 21, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 9028, effective June 26, 1997; amended at 11 Ill. Reg. 15235, effective November 17, 1997; amended at 22 Ill. Reg. 14759, effective _____.

AUG 03 1998

Section 2010.21 Application Requirements on Motorized Vehicles Titled by the Illinois Secretary of State

a) Motorized vehicles that may be used on water that are titled by the Illinois Secretary of State will be accepted as titled by the Department and, as such, will not be required to be titled with the Department.

b) Such vehicles, if used on water, must be numbered in accordance with the Boat Registration and Safety Act.

(Source: Added at 22 Ill. Reg. _____, effective

AUG 03 1998

14759

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

2) **Code Citation:** 17 Ill. Adm. Code 530

Section Numbers:	Adopted Action:
530.70	Amendments
530.80	Amendments
530.90	Amendments
530.100	Amendments
530.105	Amendments
530.110	Amendments

4) **Statutory Authority:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) **Effective Date of Amendments:** August 3, 1998

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** May 22, 1998, 22 Ill. Reg. 8667

10) **Has JCAR issued a Statement of Objections to these rules?** No

11) **Differences between proposal and final version:**

Section 530.80(a) - ", 1998" was added following "November 4"

Section 530.80(a)(5) - the comma following "20-22" was changed to "and"

Section 530.80(d)(3) - commas were added following "Sand Ridge" and "hunting"

Section 530.80(d)(4) - "method(s)" was changed to "methods" and the period at the end of the subsection was changed to a semi-colon

Section 530.80(g) - "or" following "bismuth" was changed to a comma and a comma was added following "steel"

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 530.80(m) - "after" was added following "ten days"

Section 530.100(a) - ", 1998" was removed

Section 530.100(g) - "shot" in the last line was deleted

Section 530.105(d) - a comma was added following "steel"

Section 530.105(f)(5) - changed "method(s)" to "methods"

Section 530.110(b)(3) - Eagle Creek - added "open only" before "November"

Section 530.110(b)(3) - East Conant - added "open only" before "November"

Section 530.110(b)(3) - Edward R. Madigan - added "open only" before "November"

Section 530.110(b)(3) - Freeman Mine - changed "November 4" to "November 7"

Section 530.110(b)(3) - Sand Ridge - added "open only" prior to "November"

Section 530.110(b)(3) - Sangchris - added "open only" before "November"

Section 530.110(b)(3) - Sato - added "open only" before "November"

Section 530.110(b)(3) - Saybrook - added a semi-colon following "24"

Section 530.110(b)(3) - Site M - added "open only" before "November"

Section 530.110(b)(3) - Wolf Creek - added "open only" before "November"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to open and close State-owned or -managed sites to the upland game season and to change regulations and application procedures on the sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
AND RABBIT HUNTING

- Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations (Repealed)
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Regulations
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 12615, effective AUG 03 1998.

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Lee County Conservation Area (Green River), applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.
- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) For all DNR operated sites except Site M and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Site M and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except Site M, Sand Ridge and Wayne Fitzgerald, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants. For other information write to:

Illinois Department of Natural Resources
Pheasant
524 South Second St., Room 210

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTSP.O. Box 19457
Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for ~~Chain-O-Lakes~~ State Park, Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park.
- e) At Site M and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

(Source: Amended at 22 Ill. Reg. 14762 -, effective AUG 03 1998)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 4, 1998 5 through January 3, 1999 December-14, both dates inclusive, with the following exceptions:
- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.
 - 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 8 9 (except at the Richland County Controlled Pheasant Hunting Area where the Illinois Youth Pheasant Hunt will be November 22 and except at Site-M-Controlled-Unity-Sand-Ridge Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).
 - 3) The controlled hunting season on the Des Plaines Conservation Area is closed during the November 3-day firearm deer season November-5-through-November-20, November-26-through-December-21, 1997.
 - 4) The controlled hunting season on the Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.
 - 5) The controlled hunting season on the Site M Controlled Unit is November 7, 1998 17-1997 through January 15, 1999 1998, except closed to controlled hunting on November 20-22 and 21-23, December 2-6 3-7-and-25.
 - 6) The controlled hunting season on the Iroquois County Conservation Area is November 4 October-29-through-November-20-and-November-26 through December 20, 1998, except closed during the November 3-day firearm deer season 14-1997.
 - 7) The controlled hunting season on Eldon Hazlet State Park (Carlyle Lake) and Wayne Fitzgerald State Park (Rand Lake) is November 5 through January 4-1998 except closed to controlled hunting on December-25.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- 7b) The controlled hunting season on Sand Ridge State Forest is November 7, 1998 17-1997 through January 15, 1999 1998 except closed to controlled hunting on December-25.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Site M Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Site M, Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).
- c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon.
- d) Hunting licenses, daily usage stamps and fees:
- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) At the Chain-O-Lakes State Park, Des Plaines Conservation Area, Iroquois County Conservation Area and Moraine View State Park hunters must obtain a daily usage stamp from the Department prior to hunting, except on November 29 30 hunters under 16 are not required to obtain a stamp.
 - 3) At the Des Plaines Conservation Area, Moraine View State Park, Site M, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge, hunters must obtain a daily usage stamp from the Department prior to hunting, except on November 29 30 and December 26 27 hunters under 16 are not required to obtain a stamp.
 - 4) At Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Bee County Conservation Area, a daily usage stamp is not required. Fees and methods of payment at the following these sites will be publicly announced:

Chain O'Lakes State Park
Horseshoe Lake State Park (Madison County)
Lee County Conservation Area
Ramsey Lake State Park
Silver Springs State Park

- e) Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, or bismuth, or No. 3 steel, or smaller may be used except at the Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel, or No. 5 bismuth or tungsten-iron, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

- h) Non-hunters are not allowed in the field.

- i) Hunters under 16 years of age must be accompanied by an adult hunter.

- j) Daily limits:

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area and Moraine View State Park.
- 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge.
- 3) Two cock pheasants, 8 bobwhite quail and 4 rabbits at Site M.
- 4) Four cock pheasants at the Lee County Conservation Area (Green River), and Silver Springs State Park.
- 5) Four pheasants of either sex (except that on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).
- 6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
- 7) The daily limit two-cock pheasants at Chain O'Lakes State Park will be publicly announced.

- 8) Two cock pheasants at Moraine View State Park.

- k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 14762, effective AUG 03 1998)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation except for Sangchris-Lake and Edward-R. Madigan State Fish and Wildlife Area. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area) write to:

Illinois Department of Natural Resources
Pheasant

524 South 2nd Street, Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Lee County Conservation Area, Mackinaw River State Fish and Wildlife Area, and Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Site M (Controlled Area).

- e) Permits for the Youth Hunt at Sangchris-Lake State Park and Edward-R. Madigan State Fish and Wildlife Area will be issued by a mail-in drawing at the respective site office. Registration procedures and hunter quota will be announced by public news release. Applicants

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~must--be-between-the-ages-of-10-15-inclusive--Permits-unavailable-after-the-drawing-will-be-allocated-on-a-first-come-or-first-served-basis-from-the-site-office-~~

(Source: Amended at 22 Ill. Reg. 14762, effective AUG 03 1998)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 8, 1998 97--19977 except at the Richland County Controlled Pheasant Hunting Area where the hunt will be November 22, at Edward R. Madigan State Fish and Wildlife Area where the hunt will be November 7 97-1997 and at Mackinaw River State Fish & Wildlife Area where the hunt will be the first Saturday preceding the opening of the statewide upland game season.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Edward R. Madigan State Fish and Wildlife Area and between 10:00 11-00 a.m. and 10:30 a.m. 12-noon at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Fish and Wildlife Area.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead, tungsten-iron, or bismuth or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or No. 5 bismuth or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

tungsten-iron, shot or smaller may be used.
h) Daily limit.

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Moraine-view-State--Park--and Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.
- 2) Two cock pheasants only at the Lee County Conservation Area, Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'Lakes State Park.
- 3) Statewide Limits: Mackinaw--River--State--Fish--& Wildlife--Area Sangchris Lake State Park, and Edward R. Madigan State Fish and Wildlife Area and Site M (Controlled Unit).
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward R. Madigan State Fish and Wildlife Area and Mackinaw River State Fish & Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 22 Ill. Reg. 14762, effective AUG 03 1998)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron or bismuth or No. 3 steel, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
 - 1) A drawing shall be held at the site for hunter quotas.
 - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
 - 3) Hunters under 16 are not required to obtain a daily usage stamp

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

at Johnson Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on November 29 and December 26-27.

- 4) Hunters under 16 years of age must be accompanied by an adult hunter.
- 5) At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be publicly announced.
- 9) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
 - Pheasant - 2 (either sex may be harvested)
 - Bobwhite Quail - 8
 - Hungarian Partridge - 2
 - Rabbit - 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

~~Midwin-National--Fall--Grass--Prairie--(Joliet--Army--Ammunition Plant--Will-County)--(a-\$5.00-daily-usage-fee-will-be-charged--no hen--pheasants--may-be-harvested--site-is-closed-during-site's firearm-deer-season--pheasants-will-not-be-tagged)~~

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex only)

Washington County Conservation Area

- o) Any person who violates any provision of this Part or 17 Ill. Adm.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code (520 ILCS 5/2.33(n), (x) or (z)) shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 22 Ill. Reg. 14762, effective AUG 03 1998)

Section 530.1110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

a) General Site Regulations

- 1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.
- 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
- 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed.
- 5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

- 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

~~Kidd Lake State-Natural Area~~

~~Kinkaid Kincaid Lake Fish and Wildlife Area (1)~~

~~Mackinaw Fish and Wildlife Area (8:00 a.m. - 4:00 p.m.; opens--second-day-of-statewide-season; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)~~

~~Marseilles Wildlife (closed during the site's firearm deer season) (1)~~

~~Marshall Fish and Wildlife Area (closed during firearm deer season) (1)~~

~~Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)~~

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. - 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Eldon Hazlet State Park (north of Allen Branch and west of Pepperhorst Branch only) (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

Green River State Wildlife Area (closed until the end of the site's controlled pheasant season, except quail and rabbit only can be hunted on Mondays and Tuesdays during the site's controlled pheasant season) (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

quail only may be hunted on Mondays and Tuesdays during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (~~all-hunting--closes November--30--in--Area--A~~, all hunting closes December 15 in Eagle Roost Area Area-C) (1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Sanganois State Fish and Wildlife Area

Shawnee National Forest, Oakwood Bottoms (2)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota Patton-Knox--County zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

~~Lake-Sheibyvillie-Eagle-Creek-State-Park-(4:00-p.m.-daily-closing)~~

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants ~~pheasants-of-either-sex~~ may be taken but ~~hens-must-be-tagged-by-site-staff~~. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Site M (open unit)

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DOC Permit Office. Procedures for application and

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

drawings will be publicly announced. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

Eagle Creek State Park (open only November 7, 8, 11, 14, 18, 21, 25, 28 and December 3, 6, 10, 13, 17, 20, 24)

East Conant (open only November 7, 10, 12, 15, 18, 21, 23, 27, 29 17-37-67-97-127-157-187-247-277-30 and December 1, 7, 10, 13, 16, 19, 22, 26, 29 37-107-167-207-237-28 and January 2, 5, 8, 11, 151 each permit authorizes the holder to bring 3 hunting partners)

Edward R. Madigan State Fish and Wildlife Area (open only November 9, 16, 23, 30 107-177-25 and December 7, 14, 21 17--07 157--22; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open only November 7, 11, 18, 25 and December 2, 9, 16, 23, 30; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Hallsville Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47-77-117-147-187-217-24; each permit authorizes the holder to bring 3 hunting partners)

Harry "Babe" Woodyard State Natural Area (open only November 7, 8, 11, 14, 18, 25, 28 and December 10, 13, 17, 20, 24; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours)

Herschel Workman Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47-77-117-147-187-217-24; each permit authorizes the holder to bring 3 hunting partners)

Little--Vermilion-River-State-Natural-Area-(open-only-November-17 27-57-87-127-157-197-267-29-and-December-11-14-187-217-24;-each permit-authorizes-the-holder-to-bring-3-hunting-partners7-0--a-m7 to-4-p-m;-hunting-hours)

Manito Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 and December 3, 6, 10, 13, 17, 20, 24; each permit authorizes the holder to bring three hunting partners)

Perdueville Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47--77--117--147--187--217--24; each permit authorizes the holder to bring 3 hunting partners)

Sand Prairie Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47--77--117--147--187--217-24; each permit authorizes the holder to bring 5 hunting partners)

Sand Ridge State Forest (Mud Turtle State Natural Area) (open only November 7, 10, 14, 17, 24, 28 87-117-157-187-257-29 and December 1, 8, 12, 15, 19, 22, 26, 29 27-97-137-167-207--237--27 30; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open only November 14, 18, 25, 28 157 137-227-267-29 and December 2, 9, 12, 16, 19, 23, 26 37-67--107 137--167--207--237--27; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to 12--noon-sunset; check in required before hunting; December dates are for rabbits only)

Sato Field (open only November 7, 10, 13, 17, 23, 26, 29 and 17 47-87-117-137-167-197-257-29; December 6, 8, 13, 16, 19, 23, 27, 30 17-87-117-187-217-27; and-January-17-47-77-107-157 each permit authorizes the holder to bring 3 hunting partners)

Saybrook Habitat Area (McLean County) (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227--267--29 and December 3, 6, 10, 13, 17, 20, 24 47-77-117-147-187-217-24; each permit authorizes the holder to bring 3 hunting partners)

Site M (Quail Management Area) (open only November 7, 10, 14, 17, 24, 28 47-87-117-157-187-257-29 and December 1, 8, 12, 15, 19, 22, 26, 29 27-97-137-167-207-237-27-30 and January 2, 5, 9, 12 37-67-107-13; each permit authorizes holder to bring 3 hunting partners)

Steward Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47-77-117-147-187-217-24; each permit authorizes the holder to bring 3 hunting partners)

Victoria Habitat Area (open only November 7, 8, 11, 14, 18, 21, 25, 28 17-27-57-87-127-157-197-227-267-29 and December 3, 6, 10, 13, 17, 20, 24 47-77-117-147-187-217-24; each permit authorizes the holder to bring 3 hunting partners)

Wolf Creek State Park (open only November 7, 8, 11, 14, 18, 25,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

28, and December 10, 13, 17, 20, 24)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Chain--O'Lakes--State--Park--(open--Wednesday--after--controlled pheasant--hunting--season--for--5--consecutive--days--closed--December 25)--(1)

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Adopted at 22 Ill. Reg. effective 14762)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Numbers: Adopted Action:
740.20 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8291
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
740.20(d), Chain O'Lakes, replaced period with semi-colon following "sites" and placed "The" in lower-case
740.20(d), Horseshoe Lake State Park, added "(hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)"
740.20(d), Lake Shelbyville - Kaskaskia and West Okaw, changed "Area" to "Areas" and removed "740.20"
740.20(d), Mississippi River Fish and Waterfowl Management Area, added "one-" prior to "half"
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part open and close State-owned or -managed sites and change regulations and application procedures on the sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section
740.10 Statewide Regulations
740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ICS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. _____, effective _____.

AUG 03 1998

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kidd-Lake-State-Natural-Area

Kinkaid Lake Fish and Wildlife Area

Marselles Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all-hunting-closes November-30-in-Area-A; all hunting closes December 15 in Eagle Creek Roost Area-E)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State Forest (4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Little Vermilion River State Natural Area (woodcock only; closes October 31)

Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhurst Branch and Allen Branch north of the buoys)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

only)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; ~~there--the~~ blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunting from stake locations only; on first come first served basis; cutting of vegetation is prohibited)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas Area (site permit described in subsection 746-20(c) applies)

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Sinissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only)

2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 22 Ill. Reg. 14782, effective AUG 9 3 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting

- 2) Code Citation: 17 Ill. Adm. Code 730

- 3) Section Numbers: 730.20
Adopted Action: Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

- 5) Effective Date of Amendments: August 3, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8301

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Section 730.20(b)(2), Lake Shelbyville, added a dash following "Shelbyville" and added "and" following "Kaskaskia"

Section 730.20(e), Kaskaskia, corrected spelling of "Management"

Section 730.20(e), Lake Shelbyville, changed language to read "...Areas (dove management fields only)"

Section 730.20(e), Middlefork, changed language to read "(dove management fields only)"

Section 730.20(g), Lake Shelbyville, changed language to read "dove management fields"

Section 730.20(g), Middlefork, changed language to read "dove management units"

Section 730.20(h)(D), in two places changed "(i)(3)" to "(h)(3)"

Section 730.20(h)(3), Sangchris, removed "the"

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part open and close State-owned or -managed sites to the dove season and change regulations and application procedures on sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section

730.10 Statewide Regulations

730.20 Regulations at Various Department-Owned or -Managed Sites

730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1983; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14793, effective AUG 03 1998.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
- 1) Hunters shall possess only bismuth or lead shot size #7 1/2, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7 1/2 bismuth shot or

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Union County Conservation Area

Wayne Fitzgerald State Recreation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours at all sites that are open during the upland game season shall coincide with hunting hours listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

Dog Island Wildlife Management Area (#)

East Conant Field (permit required; must be returned by February 15)

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Kidd-Lake-State-Natural-Area-(closes-October-14)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only) Wildlife--Management--Area (waterfowl-management-units-only)

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Newton Lake Fish and Wildlife Area (dove management units only)

Peabody River King State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as rest area on the Eads Mine and Belle River Units)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area (#)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Panther Creek Conservation Area (#)

Rend Lake Project Lands and Waters (#)

Sand Ridge State Forest (#)

Sangamon County Conservation Area

Sato Field (permit required; must be returned by February 15)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson Sauk Trail State Park (#)

Matthiessen State Park (#)

Mautino Fish and Wildlife Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Morrison Rockwood State Park (#)

Pyramid State Park (#)

Sanganois State Fish and Wildlife Area

Snake Den Hollow Fish and Wildlife Area (#)

Victoria Pheasant Habitat Area (#)

e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area (#)

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Giant City State Park (#)

Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas Area (dove management fields only Bove--Management--P'teids Only)

Marseilles Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middlefork Fish and Wildlife Management Area (dove management fields only Bove-Management-P'teids-Only) (#)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

Stephen A. Forbes State Park (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

Siloam Springs State Park (#)

Wayne Fitzgerald State Recreation Area (season opens day after Labor Day) (closes September 30 October-14)

9) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Hidden Springs State Forest (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Bake-Shelbyville--Bogie-Creek-Wildlife-Management-Area

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas Area (except dove management Dove--Management fields; shooting hours after September 5 are 12 noon to sunset Units)

Little Vermilion River State Natural Area

Middlefork Fish and Wildlife Area (except dove management units Dove--Management--Units)

Moraine View State Park (except dove management fields; season closes October 14)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes October 14) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

Horseshoe Lake State Conservation Area (#)

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Mt. Vernon Game Propagation Center (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Ramsey Lake State Park (#)

Red Hills State Park (#)

Saline County State Fish and Wildlife Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Newton Lake Fish and Wildlife Area (except dove management units)

- h) Sites--participating--in--approved--research--project--to--study--effects--of hunting--hours--on--dove--harvest--check--in--and--check--out--to--report harvest--is--required--A--drawing--will--be--held--at--11:00--a.m.--at--sites that--begin--hunting--at--12--noon--and--1/2--hour--before--sunrise--at--sites that--begin--hunting--at--sunrise--if--more--hunters--show--up--than--can--be accommodated--Sites--and--research--hunting--hours--are--listed--below:
- i) Hunting--hours--are--sunrise--to--12--noon

Clinton-Lake-State-Recreation-Area

Crawford-County-Conservation-Area

Giant-City-State-Park

Horseshoe-Lake-Conservation-Area--(season-closes-October-14)

Mt.-Vernon-Game-Propagation-Center

Randolph-County-State-Conservation-Area

Sam-Parr-State-Fish-and-Wildlife-Area

2) Hunting-hours-are-12-noon-to-5:00-p.m.

Fox-Ridge-State-Park

Moraine-View-State-Park--(closes-October-14)

Saline-County-Fish-and-Wildlife-Area

Sam-Beale-Fish-and-Wildlife-Area

Stephen-A.-Forbes-State-Park

Union-County-Conservation-Area--(closes-October-14)

Washington-County-Conservation-Area--(closes-October-14)

3) Hunting-hours-are-sunrise-to-5:00-p.m.

Hamilton-County-State-Conservation-Area

Hidden-Springs-State-Forest

I-24-Wildlife-Management-Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Resakia-River-State-Fish-and-Wildlife-Area--(Boza-Creek Waterfowl-Management-Area-closes-October-14)

Mermet-Lake-State-Fish-and-Wildlife-Area

Ramsey-Lake-State-Park

Shelbyville-West-Okaw-Wildlife-Management-Area

h) Permit Areas

1) Permit Season Regulations

A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.

B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.

D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Site M as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Site M as indicated in subsection (h)(3).

E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

A) Non-permit season shall be September 6-30 except as indicated in parentheses.

B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.

C) No permits are required except as indicated in parentheses.

D) Check in and check out is required except as indicated in parentheses.

E) Hunter quotas will be filled on a first come-first served basis.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Fish and Wildlife Area

Green River State Wildlife Area/Kaecker Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Kankakee River State Park

Mackinaw Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

Site M (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations, permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

(Source: Amended at 22 Ill. Reg. 14792, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Hunting and Trapping on Department-Owned or -Managed Sites

2) Code Citation: 17 Ill. Adm. Code 510

3) Section Numbers: Adopted Action:
510.10 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

5) Effective Date of Amendments: August 3, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8724

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 510.10(a)(6), "Rest Area" was placed in lower-case letters

Section 510.10(a)(7), "Trapper Quota" was placed in lower-case letters

Section 510.10(a)(8), "Announced" was placed in lower-case letters and a ":" was added following "http"

Section 510.10(d)(3), "state" was capitalized

Section 510.10(d)(7), the comma following "trapping" was deleted

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to add a definition for "publicly announced" so the public knows where to find announcements for hunting programs.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section
510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a28].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993; amended at 19 Ill. Reg. 10608, effective July 1, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14804, effective AUG 03 1998.

Section 510.10 General Site Regulations

a) Regulations

All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the Department when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 5) Adult - a person 18 years of age or older.
 - 6) Waterfowl rest area Rest-Area - a defined location at a site with a set boundary within which no public activity or presence is allowed for a specified period of time, except as authorized by the Department.
 - 7) Hunter or trapper quota Trapper-Quota - The maximum number of hunters or trappers that can be accommodated at a site at any one time. Hunter and trapper quotas are determined by the formula of one hunter or trapper per 10-40 huntable acres. The number of huntable acres is determined by, but not limited to, the biological studies on the number of available animals within a species, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site.
 - 8) Publicly announced - The information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline.
- c) It shall be unlawful:
- 1) For any person to consume any alcoholic beverage while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed.
 - 4) To hunt or trap in a restricted area.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit dove hunting season and controlled pheasant hunting season at sites holding such seasons, or during any hunting season where such restrictions are so posted at the site, when authorized hunting is in progress.
 - 6) To enter a refuge, restricted area or waterfowl rest area unless authorized by the Department.
 - 7) To hunt or trap on any Department-owned or -managed land that is not a designated area pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 660, 670, 680, 690, 710, 715, 720, 730, and 740).
 - 8) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Natural Resources hunting or trapping fees or to the operation of controlled pheasant hunting on Department lands

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- pursuant to a written concession agreement.
- 9) To hunt or trap without a valid permit where permits are required.
- 10) To hunt with any weapon except shotgun or bow and arrow unless otherwise specified.
- d) Specific Management Procedures
 - 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, State state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
 - 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
 - 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (see See Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
 - 6) All hunter or trapper quotas are filled on a first come-first served basis unless a drawing or special permit is used. The Department shall use a special permit or drawing whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department. Hunters or trappers will be notified as expeditiously as possible through site postings, news releases or public announcements when quotas are established.
 - 7) During pheasant, rabbit, quail and partridge season, hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 22 Ill. Reg. 14804, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping

- 2) Code Citation: 17 Ill. Adm. Code 570

- 3) Section Numbers: Adopted Action:
570.35 New Section
570.40 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

- 5) Effective Date of Amendments: August 3, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8313

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Table of Contents - added "570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season"

Section 570.35 - changed "17 Ill. Adm. Code 570.20" to "Section 570.20"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to open and close State-owned or -managed sites to the furbearer and woodchuck trapping season; change regulations and application procedures on the sites; and add language regarding use of .22 rimfire rifles by trappers during deer gun season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14803, effective AUG 03 1998.

Section 570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

Licensed trappers in possession of valid Firearm Owners Identification may use .22 rimfire rifles to kill trapped raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during seasons established by Section 570.20, including portions of such open seasons that coincide with hunting seasons for taking white-tailed deer by use of firearms (17 Ill. Adm. Code 650.10), muzzleloading rifles (17 Ill. Adm. Code 660.10) and handguns (17 Ill. Adm. Code 680.10).

(Source: Added at 22 Ill. Reg. 14803, effective _____, effective _____)

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

December 15 in Eagle Roost Area

Rend Lake Project Lands and Waters (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Coffeen Lake State Park

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhurst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Little Vermillion River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Panther Creek Conservation Area

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Sato Field

Site M (only Egg Traps (Registered Trademark), D-P (Dog Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used)

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Giant City State Park

Hennepin Canal Parkway including Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

1) All regulations shall be according to species regulations as provided for in this Part.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.

3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 22 Ill. Reg. 14809, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program

- 2) Code Citation: 17 Ill. Adm. Code 3025

- 3) Section Numbers:
- | | |
|---------|-----------------|
| 3025.10 | Adopted Action: |
| 3025.20 | Amendments |
| 3025.25 | New Section |
| 3025.30 | New Section |
| 3025.40 | New Section |
| 3025.50 | New Section |
| 3025.60 | New Section |
| 3025.70 | New Section |
| 3025.80 | New Section |

- 4) Statutory Authority: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35]

- 5) Effective Date of Amendments: August 3, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8729

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Table of Contents - "3040" was changed to "3025"

3025.30 - "unless limits are revised otherwise by public announcement from the Department" was removed

3025.40(a) - "an annual" was changed to "a"

3025.40(c)(8) - "they have" was changed to "the applicant has"

3025.40(d) - a comma was added following the zip code and a period was added at the end of the subsection.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

3025.50(a)(2) - a comma was added following "shelters"; "and" was remove and "is" was changed to "are"

3025.60 - "APPENDIX" was changed to "Appendix"

3025.60(a)(1) - "(4/1/98 ed.; Illinois Department of Natural Resources Division of Grant Administration, 524 S. Second Street, Springfield IL 62701-1787" was added at the end of the subsection

3025.60(b) - the semi-colon was removed; and a comma was added following "qualities"

3025.70 - "state" was changed to "State"

3025.70 - "thereafter" was removed and a comma was added following "maintenance"

3025.70(1)(3) - "said" was changed to "the"

3025.70(n) - "Project Sponsor" was changed to "project sponsor"

3025.70(o) - "Project Sponsor" was changed to "project sponsor"

3025.70(o)(4) - "Contractor's" was changed to "contractor's" and a comma was added following "process"

3025.70(o)(6) - "[775 ILCS 5/6-101]" was added following "provided"

3025.70(p)(2) - "above cited program" was changed to "program"; "listed in this Section" was added following "terms"; and "thereunder" was removed

3025.80 - the comma following "Springfield" was removed

3025.APPENDIX A:

"Ext" was changed to "endangered and threatened"

"preserve/improve" was changed to "preservation/improvement of"

"improve" was changed to "improvement"

"walk-to" was changed to "walk to"

Language under "Community Park" was indented and "or" changed to "within"

a period was inserted following "etc"

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- "IRF" was changed to "Illinois Recreation Facilities Inventory"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments create specific operating procedures/guidelines which DNR believes are appropriate for the Illinois OSLAD program. The procedures remain very similar to past administration of the federal LWCF program (Part 3030) except continuing program compliance requirements will not be in perpetuity for OSLAD "development" projects and eligible acquisition costs are expanded to include necessary land acquisition appraisal costs. Also, all references to compliance with federal regulations are eliminated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 9: GRANTS

PART 3025
OPEN SPACE LANDS ACQUISITION
AND DEVELOPMENT GRANT PROGRAM

- Section
- 3025.10 Program Objective
- 3025.20 Incorporation by Reference (Repealed)
- 3025.25 Eligibility Requirements
- 3025.30 Assistance Formula
- 3025.40 General Procedures for Grant Applications and Awards
- 3025.50 Eligible Project Costs
- 3025.60 Project Evaluation Priorities
- 3025.70 Program Compliance Requirements
- 3025.80 Program Information/Contact

3025.APPENDIX A Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

SOURCE: Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective AUG 03 1998.

Section 3025.10 Program Objective

The Open Space Lands Acquisition and Development Act (OSLAD) provides for grants to be disbursed by the Department of Natural Resources (Department) to eligible local governments for the purpose of acquiring, or developing and/or rehabilitating lands for public outdoor recreation purposes lands. These grants will provide up-to-50-percent reimbursement of eligible costs and are offered on a priority basis to any local government empowered to spend public funds for such purposes.

(Source: Amended at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.20 Incorporation by Reference (Repealed)

Eligibility--selection--criteria--for--grant--approval--and--compliance--requirements will be the same as those utilized in evaluating projects for the land--and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~Water--Conservation--Fund--Grant--Program--The Department is incorporating by reference rules contained in 17-III--Adm--Code--9030--with--the--exception--of Section--9030-10:~~

(Source: Repealed at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.25 Eligibility Requirements

Agencies eligible for assistance under the OSLAD grant program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.30 Assistance Formula

The OSLAD program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Maximum grant awards shall be limited to \$200,000 per annual request for development projects and \$400,000 for acquisition projects.

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.40 General Procedures for Grant Applications and Awards

- a) Grant applications for assistance under this program must be submitted in accordance with a schedule publicly announced annually by the Department. Failure to submit a completed application to the Department by the specified application deadline date will result in project rejection for that particular year.
- b) Necessary application material and instructions are available through the Department. Awarding of grants will be on a competitive basis (Section 3025.60) and will be made under authority of the Director of the Department of Natural Resources.
- c) Project grant applications consist of the following basic components, at a minimum:
 - 1) applicant's name, address and telephone number;
 - 2) information on the supply of existing public park acreage and recreation facilities located within the project sponsor's (applicant) jurisdiction;
 - 3) an itemized proposed project cost estimate;
 - 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

benefits, proposed usages and method of financing or accomplishing the project;

5) project location map, site plat map and proposed development plan;

6) project environmental evaluation;

7) proof of land ownership or usage rights for proposed development (construction) projects or commitment of title insurance for project property planned for acquisition; and

8) a signed document by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations and indemnify the Department from any liability relative to the project.

c) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701-1787, telephone 217/782-7481.

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.50 Eligible Project Costs

a) Grant assistance may be obtained for the following items:

- 1) Land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes, including associated eligible appraisal costs. Eligible projects include, but are not limited to, acquisition of land for the following:
 - A) general park purposes such as community and neighborhood parks and playfields;
 - B) frontage on public surface waters for recreation use;
 - C) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features; and
 - D) additions to such areas.
- 2) Outdoor recreation area development costs (initial facility construction and/or rehabilitation) including, but not necessarily limited to, playfields, playcourts, playground equipment, picnic facilities, trails, camping areas, outdoor water sport facilities, nature study areas, and winter sport facilities as well as associated support facilities such as parking areas, access roads, shelters, interpretive centers, restrooms, safety lighting, potable water supply and other directly related support facilities. Professional design services deemed necessary for proper design and construction of the project are also eligible.
- b) Acquisition of land from another public agency (excluding school districts) is not eligible for OSLAD grant assistance.
- c) Project costs for which reimbursement is sought cannot be incurred by

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account/agent for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into prior to Department approval. Development project costs are considered incurred on the date construction contracts are signed or actual physical work begins on the project site or project materials are delivered.

- d) No grant awards shall be awarded for the acquisition or development of land that will not be available for general public outdoor recreation use.

(Source: AUG 03 1998 22 Ill. Reg. 14817, effective 14823)

Section 3025.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending local project applications for funding assistance consideration (see Appendix A):

- a) Statewide Outdoor Recreation Priorities - 60%
 - 1) Department Statewide Priorities - 35%

Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its "Statewide Outdoor Recreation Plan". These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation and recreation for disadvantaged populations. These priorities are listed in the Department's OSLAD Local Participation Grant Manual (4/1/98 ed.); Illinois Department of Natural Resources Division of Grant Administration, 524 South Second Street, Springfield IL 62701-1787).
 - 2) Statewide Local Needs Assessment - 25%

Determination of local need is based on a comparison of:

 - A) existing local supply of recreation facilities per capita to the statewide median for those facilities as identified in the Department's "Statewide Outdoor Recreation Plan"; and
 - B) existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median and/or to locally adopted standards. Recreation needs based on project service area are also given consideration.
- b) Project concept and site characteristics - 25%

The project proposal is evaluated in terms of the site's physical and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; and the overall recreational diversity provided by the project.

- c) Local Planning - 10%

The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.

- d) Other Considerations - 5%

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban areas; proposing initial site development; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from OSLAD assistance.

- e) Penalty Factors - (deduct up to 15%)

Consideration is given to the applicant's past performance in completing OSLAD or other Department grant projects or unresolved project violations, ability to properly maintain the project site, and failure to cooperate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).

- f) Project Application Review and Grant Award:

Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with the established evaluation criteria. Preliminary recommendations are then submitted to the Department's "Natural Resource Advisory Board" for consideration at a public hearing conducted by the Board after which final recommendations are forwarded to the Director for OSLAD grant approval.

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

period of time specified below for the total amount of OSLAD funds expended on the project:

Total Grant Expenditure	Time Period after Final Grant Payment
\$0 - \$50,000	5 years
for every \$10,000 increment over \$50,000	add 1 year

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this Part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.

- b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications. For projects receiving development assistance, the sponsoring agency must possess either fee simple title or a permanent easement to the property being improved or an approved lease arrangement of at least 20 years, unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable State and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.
- d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:

- 1) Acquisition project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

title insurance policy (Judgement Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled check(s) showing proof of payment to seller.

- 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.
- f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department. The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- h) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
- j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.
- k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permit(s) may jeopardize approved grant funding.
- l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
- 1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
- 2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
- 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

m) Conflict of Interests

1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.

2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision. The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105/16].

o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:

- 1) the illegality of sexual harassment;
- 2) the definition of sexual harassment under State law;
- 3) a description of sexual harassment utilizing examples;
- 4) the contractor's internal complaint process, including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

p) Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.

2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

Section 3025.80 Program Information/Contact

For information on the OSLAD Grant Program, contact:

Illinois Department of Natural Resources
Division of Grant Administration
524 South Second Street
Springfield IL 62701-1787
Telephone: 217/782-7481
FAX: 217/782-9599

(Source: Added at 22 Ill. Reg. 14817, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Section 3025. APPENDIX A Project Evaluation Criteria

STATEWIDE RECREATION PRIORITIES (35%)

Preservation/management of natural areas, wetlands, endangered and threatened species sites; preservation/improvement of wildlife habitat areas; conservation education; water-based recreation opportunities; preservation of greenways and long-distance trail corridors; intergovernmental cooperation benefitting recreation; and improvement of recreation opportunities for disadvantaged populations.

STATEWIDE LOCAL RECREATION NEEDS (25%)

Facility need based on comparison of existing local supply to statewide median.

Development Project (0 - 10 points)

(none, some, majority or all facilities of high need)

Acquisition Project (0 - 5 points)

(same factors as for development)

Existing supply of available local recreation acreage compared to statewide median for local agencies or locally identified standard per local plan. An evaluation of the types of park acreage available (park system balance) between community parks and neighborhood (walk to) parks is evaluated based on the guideline that approximately 80% of local acreage should be devoted to community park facilities and 20% to neighborhood (walk to) parks.

Development Projects (0 - 5 points)

Acquisition Projects (0 - 10 points)

Specific Project "Service Area" (0 - 10 points)

Neighborhood Park

(highest priority: 1/2 mile service radius)

(2nd priority: 1/4 mile service radius)

(lowest priority: overlapping service areas)

Community Park

(highest priority: 1st such park within 2 mile radius)

(2nd priority: 1st park within 1 mile radius)

(lowest priority: similar facility in service area)

County/Regional Park (multi-community service area)

(Note: physical barriers restricting travel are taken into consideration.)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Exceptions within this category:
(project prevents loss of existing facility)
(project represents unique opportunity with public support or protects important natural areas)

PROJECT JUSTIFIED BY LOCAL PLAN (10%)

Identified as priority in local plan

Development project (0 - 5 points)

Acquisition project (0 - 8 points)

Evidence of "direct" public involvement in project/plan

Development project (0 - 5 points)

Acquisition project (0 - 2 points)

PROJECT CONCEPT AND ENVIRONMENTAL SUITABILITY (25%)

Site Suitability (0 - 13 points)

access to site (vehicular/pedestrian, parking, etc.)

environmental factors and impacts

adjacent land use compatibility

safety issues

Site Design/Concept (0 - 12 points)

recreational diversity including multi-season use

adequate support facilities

diversity of age groups benefiting

site aesthetics and design

site impacts on adjacent land uses

facility cost/benefit assessment

OTHER CONSIDERATIONS (5%)

land or cash donation or volunteer involvement

initial site development

high-density urban population areas

project part of community economic redevelopment initiative

grant "fair share" distribution factor

project by newly created agency

PROJECT PENALTIES (up to 15 point deduction or possible ineligibility)

poor past grant performance or "unresolved" project violation

evidence of poor facility maintenance by agency

failure to cooperate with Department in supplying

Recreation Facilities Inventory data Illinois

Necessary application "follow-up" response time unsatisfactory

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. **14817.2**, effective **AUG 03 1998**)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3) Section Numbers: 110.4
Adopted Action: Amendments
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 63a, 63all, 63al5, 63al8, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63all, 63al5, 63al8, 63a21.1 and 63a28].
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8743
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

Source Note - added "recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 22 Ill. Reg. 9573,"

Section 110.4(d)(3) - following "compliance" replaced "to" with "with"

Section 110.4(e)(1) - added "3" following "minimum"

Section 110.4(e)(2) - added "7" following "minimum"

Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

Will this rulemaking replace an emergency rule currently in effect? No

Are there any amendments pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: This Part was amended to add language regarding rental of cabins at Eldon Hazlet State Park.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE

DEPARTMENT OF NATURAL RESOURCES

Section

110.4	Fees and Charges
110.5	Unlawful Activities
110.20	Alcoholic Beverages -- Possession, Consumption, Influence
110.30	Animals -- Pets, Dogs, Cats -- Noisy, Vicious, Dangerous Animals -- Horses -- Livestock -- Animal Waste
110.40	Boats and Other Watercraft
110.45	Abandoned Watercraft
110.50	Capacity of Areas -- Usage Limitation
110.60	Camping -- Campfires
110.70	Destruction of Property -- Flora -- Fauna -- Man-Made and Inanimate Natural Objects -- Collection of Artifacts
110.90	Group Activity
110.100	Littering
110.110	Prohibited Fishing Areas -- Cleaning of Fish
110.120	Restricted Areas
110.140	Soliciting/Advertising/Renting/Selling
110.150	Swimming/Wading/Diving
110.160	Vehicles -- Operation on Roadway -- Speed -- Parking -- Weight Limit
110.165	Bicycles -- Operation on Roadway -- Designated Trails
110.170	Weapons and Firearms -- Display and Use
110.175	Nudity Prohibited
110.180	Violation of Rule

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 63a, 63a11, 63a15, 63a18, 63a21.1 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a, 63a11, 63a15, 63a18, 63a21.1 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective AUG 03 1998.

Section 110.4 Fees and Charges

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war [20 ILCS 805/63a23] shall be exempt from subsections (a) and (b) of this Section:

- a) All persons entering a designated swim beach area shall pay a \$1-00 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- b) All persons entering a designated special event area shall pay a \$1-00 fee.
- c) All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$20-00 for the reservation. Checks are to be made payable to the Illinois Department of Natural Resources (site name) and shall be submitted to the site office no less than 10 days prior to the requested reservation date.

d) The rental of cabins at Eldon Hazlet State Park will operate as follows:

- 1) Check-in will be at 3:00 p.m. Check-out will be at 10:00 a.m.
- 2) A maximum of six people will be allowed in each unit.
- 3) A deposit of the first night's fee, based on the applicable daily rate, will be required when reservations are made. The remaining balance of the fee will be collected when the permit is issued on arrival. A responsible adult (21 years of age or older) must register for the party and thereby acknowledge compliance with the rules and regulations of the site for the party.

e) The fee structure for the cabins at Eldon Hazlet State Park will be as follows:

- 1) Daily Rate - Daily rate may be up to \$60 per day for one to two people. An additional daily fee of \$5 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 3 nights' stay. Children under 13 years of age will stay at no cost.
- 2) Weekly Rate - Weekly rate may be up to \$330 per week for one to two people. An additional weekly fee of \$30 will be added for each person staying in the unit, for a total of up to six people. The Department may require a minimum 7 nights' stay. Children under 13 years of age will stay at no cost.

f) Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].

(Source: ADOPTED 1998 at 22 Ill. Reg. 14832, effective AUG 03 1998.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, Leased or -Managed Sites

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers:
550.10
550.30
Adopted Action:
Amendments
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) Effective Date of Amendments: August 3, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resources's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8321

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 550.30(g) - replaced "550.30" with "subsection"

Section 550.30(g), Lake Shelbyville, changed "Area" to "Areas"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part open and close State-owned or -managed sites and change regulations and application procedures.

16) Information and questions regarding these adopted amendments shall be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed
Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. ~~14836~~ ¹⁴⁸³⁶ -, effective ~~AUG 03 1998~~ ^{AUG 03 1998}.

Section 550.10 General Regulations

- a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfilled firearms deer permit, during the firearm deer season as specified in 17 Ill. Adm. Code 650.10. .22 rimfire rifles may be used

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during the hunting seasons for taking white-tailed deer by use of muzzleloading rifles (17 Ill. Adm. Code 660.10) and handguns (17 Ill. Adm. Code 680.10) provided the hunting season for raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) is also open as specified in 17 Ill. Adm. Code 550.20.

- b) Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are exempt from the provisions of this Part.

(Source: Amended at 22 Ill. Reg. 14836, effective AUG 03 1998)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only; season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kidd-Lake-State-Natural-Area

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (~~all--hunting--closes November--30--in-area-A7~~ all hunting closes December 15 in ~~area-C Eagle Roost Area~~)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

g) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection 550-30(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Crawford County Conservation Area

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (all hunting begins on the day after upland game season; raccoons, opossum and fox close with statewide season; skunk and coyote close the last day of February)

Hamilton County Conservation Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except skunk and coyote close with fox season)

Kickapoo State Park

~~Lake-Sheibvittie---Eagle-Creek--State--Park--(sunrise--to--sunset only;--shotgun-only)~~

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas Area

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Little Vermilion River State Natural Area
 Middlefork Fish and Wildlife Management Area
 Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)
 Ramsey Lake State Park
 Saline County Fish and Wildlife Area
 Sam Parr State Park
 Sand Ridge State Forest
 Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and stiped skunk except during waterfowl season only hunters pursuing waterfowl or upland game in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 may take fox, coyote and skunk; shotgun only)
 Sato Field
 Site M (statewide seasons for coyote and striped skunk)
 Stephen A. Forbes State Park
 Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)
 Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

(Source: Amended at 22 Ill. Reg. 14836, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Numbers: Adopted Action: Amendments 690.30
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8329
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
 Section 690.30(d) - Peabody River King - changed "closed" to "close"
 Section 690.30(d) - Lake Shelbyville - Kaskaskia - changed "Area" to "Areas"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to open and close State-owned or -managed sites to the squirrel season and to change regulations and application procedures on the sites.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Seasons
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 49095, effective June 26, 1997; amended at 22 Ill. Reg. 14846, effective AUG 03 1998.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Apple River Canyon State Park - Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kidd Lake State-Natural-Area

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits close closed, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (~~closes~~--November--30--in Area-A7 closes December 15 in Area-E Eagle Roost Area) (1) (2)

Red Hillis State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

Sanganois State Fish and Wildlife Area (1)

Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Stephen A. Forbes State Park (2)
- Tapley Woods State Natural Area (2)
- Trail of Tears State Forest (1)
- Turkey Bluffs State Fish and Wildlife Area (1) (2)
- Walnut Point Fish and Wildlife Area (2)
- Washington County Conservation Area (2)
- Weinberg-King State Park (1) (2)
- Wildcat Hollow State Forest (1)
- Witkowski State Wildlife Area (opens after second firearm deer season) (2)
- e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:
- Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)
- Giant City State Park
- Hamilton County Conservation Area (2)
- Pere Marquette State Park (2)
- Pyramid State Park (2)
- Siloam Springs State Park (2)
- f) Season dates shall be the day after Labor Day to September 30 at the following sites:
- Johnson-Sauk Trail State Park (2)
- Jubilee College State Park (2)
- Kankakee River State Park (2)
- Silver Springs State Park (2)
- Spring Lake Fish and Wildlife Area (2)
- g) Statewide regulations apply at the following sites, except that

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

- Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)
- Clinton Lake State Recreation Area
- East Conant Field (1)
- Fox Ridge State Park (1)
- Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)
- Kickapoo State Park (season opens day after Labor Day)
- Lake Shelbyville - Eagle Creek State Park (closes opening day of site's pheasant season)
- ~~Lake-Shelbyville - Eagle-Creek-Wildlife-Management-Area (1)~~
- Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas Area (1)
- Little Vermilion River State Natural Area
- Middlefork Fish and Wildlife Area (season opens day after Labor Day)
- Moraine View State Park
- ~~Mt.-Vernon-Game-Propagation-Center (closes-September-30)~~
- ~~Newton Lake Fish and Wildlife Area (closes September 30)~~
- Ramsey Lake State Park
- Sato Field (1)
- Site M (the Quality Unit and Controlled Unit close October 31) (1)
- Ten Mile Creek Fish and Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing; non-toxic shot only) (1)

(Source: Amended at 22 Ill. Reg. 14844, effective Aug 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Reptiles and Amphibians
- 2) Code Citation: 17 Ill. Adm. Code 880
- 3) Section Numbers: Adopted Action:
880.20 Amendments
880.60 New Section
880.70 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90] and the Aquaculture Development Act [20 ILCS 215/1 et seq.] and P.A. 86-1453, effective December 12, 1991.
- 5) Effective Date of Amendments: August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8747
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:

Section 880.20(a) - "A landing net" was changed to "For the purposes of this Part a landing net"

Section 880.20(c) - language being added as the third sentence was removed.

Section 880.20(d) - a comma was added following "devices"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to clarify

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

existing language on allowable methods of taking frogs and turtles; prohibit collection of reptiles and amphibians in the LaRue-Pine Hills/Otter Pond Research Natural Area in Union County (collection in the area is already prohibited by the U.S. Forest Service); and prohibit collection of the copperbelly watersnake in designated counties (this prohibition is pursuant to a multi-state agreement to protect this rare species).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 880

THE TAKING OF REPTILES AND AMPHIBIANS

Section

- 880.10 Prohibition of Commercial Use
880.20 Methods of Taking and Capture
880.30 Daily Catch and Possession Limits
880.40 Captive Born Reptiles and Amphibians
880.50 Protection of Habitat
880.60 Areas Closed to the Taking of Reptiles and Amphibians
880.70 Additional Protective Regulations

AUTHORITY: Implementing and authorized by Sections 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90] and the Aquaculture Development Act [20 ILCS 215].

SOURCE: Adopted at 16 Ill. Reg. 109, effective December 20, 1991; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14852, effective AUG 03 1998.

Section 880.20 Methods of Taking and Capture

- a) Only those persons who hold a valid sport fishing license or a valid Sportsmen's Combination License may take or attempt to take turtles and/or frogs [515 ILCS 5/20-5] (1117-Rev7-Stat7-19897-ch7-567-par-5-17).
- b) Turtles may be taken only by hand, hook and line, or landing dip net. For the purposes of this Part, a landing net is defined as a hand-held net with no greater than 1.5 inch bar measurement netting, an opening of not greater than 5 feet in diameter, and a handle.
- c) Bullfrogs may be taken only between June 15 and August 31, both dates inclusive. Bullfrogs may be taken only by hook and line, gig, pitchfork, spear, bow and arrow, hand, or landing dip net.
- d) No person shall take bullfrogs by commercial fishing devices, including dip nets, hoop nets, traps or seines, or by the use of firearms, airguns or gas guns.
- e) No person shall take or possess any species of reptile or amphibian listed as endangered or threatened in Illinois (17 Ill. Adm. Code 1010), except as provided by 17 Ill. Adm. Code 1070.
- f) All other species of reptiles and amphibians may be captured by any device or method which is not designed, designated or intended to bring about the death or serious injury of the animals captured. This shall

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

not restrict the use of legally taken reptiles or amphibians as bait by anglers.

g) Any captured reptiles or amphibians which are not to be retained in the possession of the captor shall be immediately released at the site of capture.

(Source: Amended at 22 Ill. Reg. 14852, effective AUG 03 1998)

Section 880.60 Areas Closed to the Taking of Reptiles and Amphibians

Unless otherwise allowed by statute or administrative rule, the taking of reptiles and amphibians at any time and by any method is prohibited in the following areas: the LaRue-Pine Hills/Otter Pond Research Natural Area in Union County. The closed area shall include the Research Natural Area as designated by the U.S. Forest Service and the right-of-way of Forest Road 345 from the intersection of Forest Road 345 with Forest Road 236 to the intersection of Forest Road 345 with the Missouri Pacific railroad tracks.

(Source: Added at 22 Ill. Reg. 14852, effective AUG 03 1998)

Section 880.70 Additional Protective Regulations

Except as otherwise allowed by statute or administrative rule, taking or possession of the following species of reptiles and amphibians is prohibited: copperbelly watersnake (Nerodia erythrogaster neglecta) in Edwards, Gallatin, Hamilton, Hardin, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Wabash, Wayne and White counties.

(Source: Added at 22 Ill. Reg. 14852, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season

2) Code Citation: 17 Ill. Adm. Code 720

3) Section Numbers: Adopted Action:
720.10 Amendments
720.25 Amendments
720.30 Amendments
720.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) Effective Date of Amendments: August 3, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8337

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 720.25(c) - deleted ".00"

Section 720.25(g) - deleted ".00"

Section 720.40, Union County - removed "-" following "Area" and removed comma following "Statewide"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part open new counties; allow for the use of flint, chert or obsidian-napped broadheads; open and close State-owned or - managed sites to the archery turkey season; and change regulations and application procedures on the sites.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section	
720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements - Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective August 26, 1997; amended at 22 Ill. Reg. ~~14856~~ **14856**, effective ~~August 26, 1998~~ **August 26, 1998**.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.

b) Open Counties:

Adams	Marion
Alexander	Marshall
Bond	Mason
Boone	Massac
Brown	McDonough
Bureau	Menard
Calhoun	Mercer
Carroll	Monroe
Cass	Montgomery

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Christian	Morgan
Clark	Ogle
Clay	Peoria
Clinton	Perry
Coles	Pike
Crawford	Pope
Cumberland	Pulaski
Edwards	Putnam
Effingham	Randolph
Fayette	Richland
Fulton	Rock Island
Gallatin	Saline
Greene	Schuyler
Grundy	Scott
Hamilton	Shelby
Hancock	St. Clair
Hardin	Stephenson
Henderson	Tazewell
Henry	Union
Jackson	Vermilion
Jasper	Wabash
Jefferson	Warren
Jersey	Washington
Jo Daviess	Wayne
Johnson	White
Kankakee	Whiteside
Knox	Williamson
LaSalle	Winnebago
Lawrence	Woodford
Lee	
Macoupin	
Madison	

(Source: Amended at 22 Ill. Reg. 14856, effective
AUG 03 1998)

Section 720.25 Turkey Permit Requirements - Landowner/Tenant Permits

- The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowner/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$25-00.

- Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - Submittal of a copy of property deed;
 - Submittal of a copy of contract for deed;
 - Submittal of a copy of most recent estate tax statement upon which landowner's name appears;
 - Submittal of a copy of a Farm Service Agency 156EZ form either an Agricultural-Stabilization-and-Conservation-Service-Form-476-or Commodity-Credit-Corporation-Form-477; or
 - Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - The authorized form from the Farm Service Agency Either-an Agricultural-Stabilization-and-Conservation-Service-Form-476-or Commodity-Credit-Corporation-Form-477.
- If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family receive turkey permits.
- Shareholders of corporations owning 40 or more acres of land in a county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$25-00.

(Source: Amended at 22 Ill. Reg. 14856, effective AUG 03 1998)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- b) to take, or attempt to take, more than 1 wild turkey during the fall archery season (either sex may be harvested);
- c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw ~~drawn~~ drawn ~~and~~ is the only legal ~~hunting--arrow--with--a--barbless--broadhead--is the only legal--arrow.~~ Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-tipped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal;
- d) for any person having taken a wild turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- e) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;
- f) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
- g) to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and
- h) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 22 Ill. Reg. 14856, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park - Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chauncey Marsh (2) (permit available at Red Hills State Park)
- Crawford County Conservation Area (1)
- Cypress Pond State Natural Area (1)
- Dixon Springs State Park (1)
- Dog Island Wildlife Management Area (1)
- East Conant Field (2)
- Ferne Clyffe State Park (1)
- Fort de Chartres Historic Site
- Fort Massac State Park (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Franklin Creek State Park (1)

Giant City State Park

Green River State Fish and Wildlife Area (no hunting Wednesday through Sunday during the controlled pheasant hunting season) (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Harry "Babe" Woodyard State Natural Area (2)

I-24 Wildlife Management Area (1)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (2)

Kaskaskia River State Fish and Wildlife Area

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest (1)

Mackinaw Fish and Wildlife Area (1)

Marshall State Fish and Wildlife Area (2)

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all-hunting-closes-November 30-in-Area-A7 all hunting closes December 15 in Eagle Roost Area Area C) (1)

* Red Hills State Park (1)

* Rend Lake State Fish and Wildlife Area

Saline County Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

Sanganois State Fish and Wildlife Area

Sato Field (2)

Siloam Springs State Park

Site M (2)

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area ----- (firing line unit - Statewider season, Public Hunting Area October 1 through -- 25 days prior to the opening of goose season, reopens with the close of the Quota Zone goose season)

* Washington County Conservation Area (1)

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 22 Ill. Reg. 14856 -, effective
AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers: Adopted Action:
 715.10 Amendments
 715.20 Amendments
 715.25 Amendments
 715.40 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) Effective Date of Amendments: August 3, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8347

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 715.20(a) - deleted ".00" in three places

Section 715.20(b) - following "three weeks" replaced "of" with "prior to"

Section 715.20(f) - deleted ".00"

Section 715.25(e) - deleted ".00"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part open new counties, improve the Department's ability to issue permits, improve

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

customer service, open and close State-owned or -managed sites to the fall gun turkey season and change regulations and application procedures on the sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section	
715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements - Special Hunts
715.25	Turkey Permit Requirements - Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective AUG 3 1998.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
- b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson
Jackson
Jersey
Jo Daviess

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Johnson
Knox

Macoupin

Marion

McDonough

Monroe

Morgan

Pike

Pope (north of Rt. 146 only)

Randolph

Rock Island

Saline

Schuyler

Scott

Stephenson

Union

Whiteside

Williamson

Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 22 Ill. Reg. 14866, effective AUG 03 1998)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15-00. Non-resident turkey hunters shall be charged \$75-00 for the first wild turkey hunting permit. If a second permit is obtained, the fee shall be \$25-00. Residents, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources - Turkey

524 S. Second Street, Room 210

P.O. Box 19446

Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July beginning the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications received after the first postmarked after the third Monday in July shall not be included in the drawing.

- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing random-daily-drawing-beginning-the third Monday in August. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits.

- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second permits. Any permits not issued as of the third Monday in September shall also be available in a random-daily-drawing to those hunters who have previously received one permit. Hunters may obtain a maximum of two permits for the fall gun season.

- f) A \$3-00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.

- g) It shall be unlawful to:

- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person; or
- 2) Apply for or receive more than two permits for the fall gun turkey season; or
- 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended AUG 03 1998, 22 Ill. Reg. 14866, effective AUG 03 1998)

Section 715.25 Turkey Permit Requirements - Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Nonresident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50
- d) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit shall be \$15.00 for residents and \$25.00 for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
- 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form either an Agricultural Stabilization and Conservation Service Form--476--or Commodity-Credit-Corporation Form--477; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - 2) The authorized form from the Farm Service Agency. Either--an Agricultural--Stabilization--and--Conservation--Service--Form--476--or Commodity-Credit-Corporation--Form--477.
- h) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- i) Shareholders of corporations owning 40 or more acres of land in a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

county may apply for one permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$37.50.

(Source: Amended at 22 Ill. Reg. 14866, effective AUG 03 1998)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pool 16

Mississippi River Pool 18 (Henderson County only)

Mississippi River Pools 21, 22, 24

Panther Creek Conservation Area

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- Big River State Forest
- Cache River State Natural Area (Johnson County portion only)
- Cypress Pond State Natural Area
- Ferne Clyffe State Park
- Fort de Chartres Historic Site (muzzleloading shotguns only)
- Giant City State Park
- I-24 Wildlife Management Area
- Kinkaid Lake Fish and Wildlife Area
- Pere Marquette State Park (only that portion of site south of Graham Hollow Road)
- Ray Norbut State Fish and Wildlife Area
- Saline County Conservation Area
- Siloam Springs State Park
- Tapley Woods State Natural Area
- Trail of Tears State Forest
- Turkey Bluffs State Fish and Wildfish Area
- Union County Conservation Area - Firing Line Management Unit Only
- Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Sato Field

Site M

Witkowski State Wildlife Area

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt. Permits will be \$15-00 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

(Source: Amended at 22 Ill. Reg. 14866, effective AUG 03 1998)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Handguns

- 2) Code Citation: 17 Ill. Adm. Code 680

- 3) Section Numbers: Adopted Action:

680.40 Amendments

680.50 Amendments

680.80 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- 5) Effective Date of Amendments: August 3, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 1998, 22 Ill. Reg. 8751

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Section 680.40(a) - added "of the manufacturer" following "tables"

Section 680.40(b) - added "is a" following "handgun"

Section 680.80 - changed "news release" to "public announcement"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to allow the Department additional flexibility for removing surplus deer from State sites and to allow the use of blackpowder, single shot handguns during this deer hunting season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price

Department of Natural Resources

524 S. Second Street, Room 430

Springfield, IL 62701-1787

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS
PART 680

Section	Statewide Season
680.10	Statewide Deer Permit Requirements
680.20	Deer Permit Requirements - Group Hunt
680.30	Statewide Handgun Requirements for Deer Hunting
680.40	Statewide Deer Hunting Rules
680.50	Reporting Harvest
680.60	Rejection of Application/Revocation of Permits
680.70	Regulations at Various Department-Owned or -Managed Sites
680.80	

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective AUG 03 1998.

Section 680.40 Statewide Handgun Requirements for Deer Hunting

- a) The only legal hunting devices are ~~device~~ is--a centerfire handguns ~~handgun~~ of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer. It shall be unlawful to take or attempt to take white-tailed deer by the use of a semi-automatic handguns, blackpowder revolvers handgun or handguns altered to allow for shoulder firing.
- b) The only legal ammunition for a ~~is--any~~ centerfire handgun is a cartridge of .30 caliber or larger, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

A wad or sleeve is not considered a projectile or part of a projectile. Full-metal jacket bullets cannot be used to harvest white-tailed deer.

- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season. (Except that the otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the handgun deer season as set in Section 680.10.)

(Source: Amended at 22 Ill. Reg. 14875, effective AUG 03 1998)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag must ~~should~~ be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 22 Ill. Reg. 14875, effective AUG 03 1998)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Sites will be opened to handgun deer hunting only if the county-in-which-they are-located-is-open-to-handgun-deer-hunting-and the site is announced as being open via a public announcement and/or the site is listed as being open on the handgun deer season application news-release.

(Source: Amended at 22 Ill. Reg. 14875, effective AUG 03 1998)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1220.500	Amendment
1220.505	New Section
1220.510	Amendment
1220.520	Amendment
1220.525	Amendment
1220.530	Amendment
1220.540	Amendment
1220.550	Amendment
1220.560	Amendment
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) Effective Date of Amendments: July 29, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 8, 1997, at 21 Ill. Reg. 10889
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: Clarification was made that the only physicians who may perform dental anesthesia are anesthesiologists or those authorized to perform anesthesia in a licensed hospital or surgical treatment center. The minimum training requirement for Permit B in Section 1220.540 was changed from one to two years for consistency with Section 1220.520. The Permit A grandfather provision in Section 1220.510 (b)(1)(B) was extended until July 1, 1999. Various technical changes were also made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

14) Are there any Amendments pending on this Part? No

15) **Summary and Purpose of Amendments:** The standards for Permit A and Permit B Anesthesia Permits have been revised to reflect different levels and methods of sedation used in a dental facility. Current permit holders will not be required to reapply or meet additional standards to continue to administer anesthesia. Requirements have been added for licensed dentists, who are not permit holders, who have other health care providers administer anesthesia in the dental facility. Licensed dentists holding Permit A and Permit B will be required to complete 4 hours of continuing education in order to renew their permits. Definitions for Anxiolysis or Mood Altering Sedation and Conscious Sedation have been added and a new Section has been added with requirements for Anxiolysis in the Dental Office Setting.

The number of hours required for an anesthesiology training program for administration of conscious sedation, parenteral, has been changed from 120 hours of clinical training to 60 hours of didactic and clinical study.

Section 1220.550 Reporting of Adverse Occurrence has been repealed. Section 1220.405 was adopted on December 20, 1996, which provides for reporting of adverse occurrences for all licensed dentists, not just Permit A and Permit B holders.

Numerous style and grammar changes also were made.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1220.400 Reportable Diseases and Conditions
1220.405 Reporting of Adverse Occurrences
1220.410 Endorsement
1220.415 Fees
1220.421 Advertising
1220.425 Referral Services
1220.431 Employment by Corporation (Repealed)
1220.435 Renewals (Repealed)
1220.440 Continuing Education
1220.441 Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section
1220.500 Definitions
1220.505 Anxiolysis in the Dental Office Setting
1220.510 ~~Eight-Parenteral~~ Conscious Sedation in the Dental Office Setting, Parenteral
1220.520 ~~General Anesthesia and Deep Parenteral~~ Conscious Sedation and General Anesthesia in the Dental Office Setting
1220.525 Renewal
1220.530 Anesthesia Review Panel
1220.540 Approved Programs in Anesthesiology
1220.550 Reporting of Adverse Occurrences (Repealed)
1220.560 Restoration of Permits

APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B Dental Assistant Permitted Procedures
APPENDIX C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective JUL 29 1998.

SUBPART E: ANESTHESIA PERMITS

Section 1220.500 Definitions

"Anxiolysis or Mood Altering Sedation" means a pharmacologically induced state of consciousness where an individual is awake but has decreased anxiety to facilitate coping skills, retaining interaction ability.

"Conscious Sedation" means a pharmacologically induced depressed state of consciousness under which an individual retains the ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and verbal commands.

"Deep Parenteral-Conscious Sedation" means a controlled state of depressed consciousness, accompanied by partial loss of protective reflexes, including inability to respond purposefully to verbal command, produced by a pharmacologic method.

"General Anesthesia" means a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic method.

"~~Bight-Parenteral-Conscious-Sedation~~" means ~~a minimally-depressed level-of-consciousness-under-which-an-individual-retains-the-ability-to-independently-and-continuously-maintain-an-airway-and-respond-appropriately-to-physical-stimulation-and-verbal-command-produced-by-a-pharmacologic-method.~~

(Source: Amended at 22 Ill. Reg. JUL 29 1998, effective 14880,

Section 1220.505 Anxiolysis in the Dental Office Setting

a) Anxiolysis or mood altering sedation includes the prescription or

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

administration of pharmacologic anxiolysis either with or without concomitant use of nitrous oxide dental analgesia.

b) No permit is required beyond the D.D.S. or D.M.D. degrees.

c) Minimal monitoring of the patient is to be by clinical observation and appropriately documented in the patient's record.

(Source: Added at 22 Ill. Reg. 14880, effective JUL 29 1998)

Section 1220.510 ~~Right-Parenteral~~ Conscious Sedation in the Dental Office Setting, Parenteral

a) Conscious sedation includes the prescription or administration of parenteral pharmacologic agent(s) to be used for the purposes of conscious sedation. Conscious sedation must be administered by an individual qualified under this Section.

b) A licensed dentist seeking a Permit A for conscious sedation, parenteral, administration privileges ~~permit--to--administer--right parenteral--conscious-sedation~~ shall file an application with the Department, on forms provided by the Department, which includes:

1) Either:

A) Certification ~~certification~~ of completion of an advanced education program in anesthesiology that which meets the requirements set forth in Section 1220.540(a); or

B) Evidence ~~for--applicants--who--have--been--administering--right parenteral--conscious-sedation--evidence~~ of experience and/or education that which includes, but is not limited to, the following:

i) All continuing education or advanced education courses in ~~right--parenteral~~ conscious sedation, parenteral, within the last 3 years;

ii) The number of patients to which the applicant has administered ~~right--parenteral~~ conscious sedation, parenteral, within the last 3 years;

iii) A summary of drugs, average doses and duration of procedure in the administration of ~~right--parenteral~~ conscious sedation, parenteral, in the last 3 years; and

iv) Any adverse occurrences in the administration of ~~right--parenteral--conscious~~ sedation, parenteral, as set forth in Section 1220.405. ~~1220-5507~~

3) To ~~in--order--to~~ be licensed in accordance with this subsection (b)(1)(B) ~~42--above~~, the applicant must apply by July 1, 1999 ~~December-31-1999~~.

2) A signed affidavit certifying that the dentist he will practice in a facility properly equipped in accordance with subsection (g) of this Section ~~42--below~~ for the administration of ~~right--parenteral~~ conscious sedation, parenteral, and staffed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

with a supervised team that which consists of a minimum of 2 two individuals, in addition to the dentist, capable of assisting with handling procedures, problems and emergencies incident to the administration of such sedation (e.g., Basic Life Support (BLS) cardiopulmonary-resuscitation); and

3) The required fee set forth in Section 21 0-1 of the Act.

c) Dentists who have a current valid permit for conscious sedation, parenteral, issued by the Department shall be permitted to administer without additional application.

d) Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Department will: ~~issue-a right--parenteral--conscious-sedation--permit--(Permit-A)-~~

1) Issue a conscious sedation, parenteral, permit (Permit A).

2) Re-issue a conscious sedation, parenteral, permit to Permit A holders who attest to completing continuing education.

e) Licensees qualified to administer ~~general--anesthesia--or deep parenteral~~ conscious sedation (Permit B) pursuant to Section 1220.520 may administer ~~right--parenteral~~ conscious sedation, parenteral, without a Permit A.

f) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Department or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Department or a member of the Board's Advisory Panel prior to the ~~issuance-of-a-permit~~.

g) A properly equipped facility shall include at a minimum:

1) Sphygmomanometer, sphygmomanometer and stethoscope;

2) An oxygen delivery system with full face masks and connectors that which is capable of delivering oxygen to the patient under positive pressure, with a backup system;

3) Emergency emergency drugs and equipment appropriate to the medications administered;

4) Suction suction equipment; and

5) An emergency back-up lighting system that which--is--battery powered--and--which will permit the completion of any operation underway; and

6) A pulse oximeter.

h) The following records shall be kept during the administration of ~~right--parenteral~~ conscious sedation, parenteral:

1) Medical medical history of the patient and consent for administration of anesthesia prior to the performance of any procedure;

2) Preoperative preoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, and respiration and oxygen saturation; and

3) Drugs drugs and dosages of these drugs used during the operative procedure, including the identification of the person

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

administering drugs and times of their administration over the course of the procedure.

- i) A licensed dentist shall hold Permit A in order to perform dentistry while a nurse anesthetist administers conscious sedation, parenteral. A nurse anesthetist for purposes of this Section is a registered professional nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65] who is a certified nurse anesthetist by the American Association of Nurse Anesthetists.

- j) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit A.

- k) A licensed dentist does not need to hold Permit A while performing dentistry when a dentist, who holds Permit A or Permit B, or a physician administers conscious sedation, parenteral. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is an anesthesiologist. The dentist shall be prepared to provide affidavits to the following if requested by the Department:

- 1) Proof of Basic Life Support (BLS) training;
- 2) That the facility used for sedation meets the criteria of subsection (g) of this Section;
- 3) That the dentist shall staff the facility with a supervised team that includes a minimum of 2 individuals (in addition to the provider sedating) capable of assisting with procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report adverse occurrences to the Department as set forth in Section 1220.405 and accept the responsibility to verify the certification and licensure of any licensed provider present during the conscious sedation, parenteral, of a patient who is receiving dental care.

(Source: Amended 9/1988 22 Ill. Reg. 14880, effective

Section 1220.520 General Anesthesia-and Deep Parenteral-Conscious Sedation and General Anesthesia in the Dental Office Setting

Deep sedation and general anesthesia must be administered by an individual qualified under this Section.

- a) A licensed dentist seeking a permit to administer general anesthesia or deep parenteral-conscious sedation or general anesthesia shall make application to the Department, on forms provided by the Department, which shall include:

- 1) Certification of meeting one or more of the following: certification--of--completion--of--advanced--training--in anesthesiology--in--a--program--approved--by--the--Department--in

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

accordance with Section 1220.540(b), or

- A) Completion of a minimum of 2 years of advanced training in anesthesiology or related academic subjects, or its equivalent, beyond the pre-doctoral level, in a training program as outlined in Part 2 of Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program, published by the American Dental Association, Council on Dental Education, dated July 1993.
- B) Be a diplomate of the American Board of Oral and Maxillofacial Surgery, or be eligible for examination by the American Board of Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.

- C) Has a specialty license in oral and maxillofacial surgery issued by the Department.

- D) Has a current valid permit for deep sedation or general anesthesia administration issued by the Department;

2) a copy of the certification from one of the following:

- A) a diplomate of the American Board of Oral and Maxillofacial Surgery, or

- B) eligible for examination by the American Board of Oral and Maxillofacial Surgery, or

- C) a member of the American Association of Oral and Maxillofacial Surgeons, and

- D) licensure in Oral and Maxillofacial by the State of Illinois.

- 2) A signed affidavit certifying that the dentist he will practice in a facility properly equipped in accordance with subsection (d) of this Section below for the administration of general anesthesia and deep parenteral-conscious sedation and general anesthesia staffed with a supervised team that which includes a minimum of 2 two individuals, in addition to the dentist, capable of assisting with handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS cardiopulmonary resuscitation); and

- 3) The pay the required fee set forth in Section 21 of the Act. Upon review and recommendation of the Board in accordance with the standards set forth in this Section, the Department will issue a general anesthesia or deep parenteral-conscious sedation or general anesthesia permit (Permit B).

- c) If the accuracy, relevance or sufficiency of any submitted documentation is questioned by the Department or the Board, because of discrepancies or conflicts in information, needing further clarification, and/or missing information, additional documentation may be required and/or an on-site evaluation of the facilities, equipment and personnel may be conducted by the Department or a member of the Board's Advisory Panel prior to the issuance of a permit.

- d) Each facility where general anesthesia or deep parenteral-conscious

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

sedation or general anesthesia is administered shall be equipped with that equipment specified in Section 1220.510(g) ~~et~~ as well as the following:

- 1) Laryngoscope ~~taryngoscope~~ complete with selection of blades and spare batteries and bulbs in sizes appropriate to the patient population being served ~~but~~;
- 2) Endotracheal endotracheal tubes and ~~an~~ connectors and face masks in sizes appropriate for the patient population being served and a device capable of delivering positive pressure ventilation;
- 3) Tonsillar tonsillar or pharyngeal suction tips ~~tip~~ adaptable to all office suction outlets;
- 4) Nasal and oral airways in sizes appropriate to the patient population being served;
- 5) Device for monitoring temperature (e.g., temperature strips, thermometer);
- 4) endotracheal-tube-type-forceps;
- 6) Electrocardioscope electrocardioscope and defibrillator;
- 7) Pulse oximeter;
- 8) Equipment equipment for the establishment of an intravenous infusion;
- 9) Emergency emergency drugs and equipment appropriate to the medications administered ~~et-g,---anticonvulsants,---muscle relaxants,---antihistamines~~;

10) An an operating table or an operating chair that which permits appropriate access to the patient and provides a firm platform for the management of cardiopulmonary resuscitation; and

11) A recovery area that which has available oxygen, lighting, suction and electrical outlets. The patient should remain in the recovery area until the individual retains the ability to independently and consciously maintain an airway and respond appropriately to physical stimulation and verbal command. The recovery area may be the operating theatre; and,

12) An an-emergency back-up lighting system that which-is-battery powered-and-which will permit the completion of any operation underway.

e) The following records shall be kept when administering general anesthesia---and deep ~~parenteral---conscious~~ sedation and general anesthesia:

- 1) Medical medical history and of-the patient evaluation prior to the performance of any procedure;
- 2) Preoperativepreoperative, intraoperative, and pre-discharge monitoring of blood pressure, pulse, and respiration and oxygen saturation;
- 3) EKG monitoring during the entire procedure; and
- 4) Drugs drugs and dosages of agents these--drugs used during the operative procedure, including nitrous oxide and oxygen, and including identification of the person administering drugs, and times of their administration over the course of the procedure.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Documentation of the anesthetic encounter will be consistent with currently accepted standards of anesthetic practice.

f) The dentist who holds Permit B shall report adverse occurrences to the Department and the Board as required by Section 1220.405.

g) A licensed dentist shall hold Permit B in order to perform dentistry while a nurse anesthetist administers deep sedation or general anesthesia. A nurse anesthetist for purposes of this Section is a registered professional nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65] who is a certified nurse anesthetist by the American Association of Nurse Anesthetists.

h) Proof of 4 hours of continuing education in sedation techniques, including medications and recognition and management of complications and emergencies, is required for renewal of Permit B.

i) A licensed dentist does not need to hold Permit B while performing dentistry when a dentist, who holds Permit B, or a physician administers deep sedation or general anesthesia. Physician for purposes of this Section means a physician who is licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] and is authorized to provide anesthesia services in a licensed hospital or licensed ambulatory surgical treatment center or is an anesthesiologist. The dentist shall be prepared to provide affidavits to the following if requested by the Department:

- 1) BLS training;
- 2) That the facility used is equipped as specified in subsection (d) of this Section;
- 3) That staffing of the deep sedation or general anesthesia is with a supervised team that consists of a minimum of 2 individuals, in addition to the dentist, capable of handling procedures, problems and emergencies incident to the administration of such sedation (e.g., BLS). In addition, the dentist shall report severe adverse occurrences to the Department as set forth in Section 1220.405 and accept the responsibility for verifying certification and licensure of any licensed provider present during the deep sedation or general anesthesia of a patient receiving dental care.

(Source: amended JUL 29 1998 22 Ill. Reg. 14880, effective)

Section 1220.525 Renewal

a) Every anesthesia permit issued under the Act shall expire on September 30 of each even numbered year. The holder of a permit may renew the such---license-or permit during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5) and (b)(4) of the Act and completing 4 hours of continuing education as required in Section 1220.515(k) and 1220.520(i).

b) No anesthesia permit shall be renewed if the dental license of the

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

permit holder is expired, revoked, suspended, or otherwise subject to discipline under Section 23 of the Act.

- c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew and-renewal-of one's license.

(Source: Amended at 22 Ill. Reg. 14880, effective JUL 29 1998)

Section 1220.530 Anesthesia Review Panel

- a) The Director shall appoint upon recommendation of the Board an Anesthesia Review Panel that which shall consist of 5 five members.

- b) The members shall meet the following minimum requirements:

- 1) Each member shall be a licensed dentist in the State of Illinois whose license is active and in good standing;
- 2) Two two members shall hold an active Permit A meet---the requirements---of---Section---1220-510(a)---for---issuance-of---light parenteral-conscious-sedation-(Permit-A)-and-shall-apply-for-said permit;
- 3) Three three members shall hold an active Permit B meet---the requirements-of-Section---1220-520(a)---for-issuance-of-a-general anesthesia-or-deep-parenteral-conscious-sedation-permit-(Permit-B)-and-shall-apply-for-said-permit.

- c) The duties-of-the Panel shall include:

- 1) Meet at the direction of the Board of Dentistry or the Director;
- 2) Be paid a per diem and be reimbursed for all legitimate, necessary and authorized expenses incurred in attending the meetings of the Panel;

- 3) Review review--of Permit A and Permit B applications in accordance with the provisions of Sections 1220.510 and 1220.520;
- 4) Recommend recommend to the Board the eligibility of applicants;
- 5) Recommend recommend to the Board when an on-site inspection may be necessary and conduct inspection with a Board member present;
- 6) Evaluate evaluate results of on-site inspection and make recommendation to the Board as to eligibility of applicants; and
- 7) Advise advise the Board in regard to anesthesia related matters that include which--includes mortality and morbidity statistics.

- d) Each Panel member shall serve a 4-year one-year term and may be reappointed once.

(Source: Amended at 22 Ill. Reg. 14880, effective JUL 29 1998)

Section 1220.540 Approved Programs in Anesthesiology

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- a) ~~Right-Parenteral~~ Conscious Sedation, Parenteral, in the Dental Office Setting

The anesthesiology training program shall:

- 1) Include include--at--least a minimum of 60 120 hours of didactic and clinical study that includes training in conscious sedation (both light and deep), physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, and monitoring with additionally supervised experience in providing conscious sedation to 20 or more patients; clinical--training--and--10--hours--of--didactic training-in--anesthesia--and--related--academic--subjects--(five-7 physiology--pharmacology)--over--and--above--the-requirements-of Section-1220-1407, and
- 2) Be be--completed--within--three--consecutive--months--or--in an organized sequence of study operated by one entity and completed in less than one calendar year.

- b) ~~General--Anesthesia--or Deep Parenteral-Conscious Sedation or General Anesthesia~~

- 1) An approved training program in anesthesiology to administer general--anesthesia--or deep parenteral--conscious sedation or general anesthesia shall be two one calendar years year that which includes a minimum of 200 100 hours of didactic and 2,000 1,000 hours of clinical training.

- 2) The didactic aspect may precede the clinical training or it may be offered in an integrated manner. The trainee must receive the equivalent of two one calendar years year, on a consecutive basis, not to exceed 3 two years, as the minimum required to provide an acceptable clinical and didactic program in comprehensive pain control. Both lectures and seminars are appropriate for providing the didactic training. The didactic subject matter shall include:

- A) The basic sciences (physiology, pharmacology, anatomy, biochemistry). The instruction shall not be based only on its relationship to a limited technical practice of anesthesia but shall also provide the opportunity for a thorough understanding of the processes of respiration, circulation, kidney function and liver function;
- B) Patient evaluation (physical diagnosis and internal medicine);
- C) Psychological aspects of human behavior and management of pain;
- D) Techniques of pain control, including physical, psychological and pharmacological methods; and
- E) Management of related emergencies and complications.

- 3) If the advanced training is obtained in a hospital based residency in anesthesiology, the training shall be restricted to those hospitals having anesthesia training programs approved by the Council on Medical Education of the American Medical

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

Association or American Dental Association or American Dental Society of Anesthesiology.

- c) An anesthesiology training program shall be based in a university or hospital.

(Source: Amended at 22 Ill. Reg. 14880, effective JUL 29 1998)

Section 1220.550 Reporting of Adverse Occurrences (Repealed)

- a) A dentist who holds either Permit-A or Permit-B shall report to the Department within 72 hours each adverse occurrence related to the administration of general anesthesia or light or deep parenteral conscious sedation which results in the death of a patient within 24 hours of the procedure.
- b) A dentist who holds either Permit-A or Permit-B shall report to the Department within 30 days each adverse occurrence related to the administration of general anesthesia or light or deep parenteral conscious sedation which results in permanent organic brain dysfunction of a patient within 24 hours of the procedure or physical injury which results in hospitalization of a patient within 24 hours of the procedure.
- c) The adverse occurrence report shall include:
- 1) the dentist's name, license number and anesthesia permit number;
 - 2) the date and time of the occurrence;
 - 3) the facility where the occurrence took place;
 - 4) the name of the patient;
 - 5) the surgical procedure involved;
 - 6) the type and dosage of sedation or anesthesia utilized in the procedure; and
 - 7) the circumstances involved in such occurrence.
- d) Upon receipt of any such report, the Department shall make such investigation pursuant to Section 25 of the Act and 68 Ill. Adm. Code 1110.
- e) Failure to provide such information to the Department shall be grounds for discipline.

(Source: JUL 29 1998 at 22 Ill. Reg. 14880, effective JUL 29 1998)

Section 1220.560 Restoration of Permits

- a) A licensee seeking restoration of a his permit after it has expired for less than five--4 5) years or less shall have the his permit restored upon payment of \$10 plus all lapsed renewal fees.
- b) A licensee seeking restoration of his permit after it has expired for more than five--4 5) years shall file an application, on forms supplied by the Department, together with the fees required by Section 21 8-2

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

of the Act. The registrant shall also submit either:

- 1) Sworn evidence of lawful active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of the his permit within 2 years after of termination of such service, he/she shall have the his permit restored without paying any lapsed renewal or restoration fees.

(Source: Amended at 22 Ill. Reg. 14880, effective JUL 29 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3) Section Numbers: Adopted Action:
160.30 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the Adopted Amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 17, 1998 (22 Ill. Reg. 6050)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version:
The following changes have been made in the text of the proposed amendments.
In subsection (c)(4)(A), a comma has been added after "she has".
In subsections (c)(4)(B) and (d)(4)(B), a comma has been added after "correct".
In new subsection (g), a comma has been added after "Code 112.79)".
No other changes have been made to the proposed rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

These amendments provide changes to the sanction process for child support enforcement under the Temporary Assistance for Needy Families (TANF) program. Clients are subject to sanction for failure to cooperate, without valid reason, in the following three program areas or tracks: child support, employment and training programs and the school attendance initiative.

The sanction process is progressive, with each of the three sanction levels carrying a greater penalty than the previous level. When a client is sanctioned once in any area or track, subsequent sanctions in that track result in more severe penalties than the previous sanction. However, if a sanction is taken under one track, a subsequent sanction under a different track results in a first level sanction rather than a second level, more severe sanction. This process fails to send the message to clients that cooperation in all program areas is required and interrelated.

Under these new amendments, the three program areas will be treated as a single track for sanction purposes. After a sanction is taken under one of the three areas, any subsequent sanction that occurs under any of the areas will be at the next, more severe, sanction level. This process will continue through the three sanction levels.

Companion amendments, proposed by the Department of Human Services, are now being adopted at 89 Ill. Adm. Code 112.68, School Attendance Initiative and 89 Ill. Adm. Code 112.79, Sanctions.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
160.1	Incorporation By Reference
160.5	Definitions
160.10	Child Support Enforcement Program
160.12	Administrative Accountability Process
160.15	Application Processing Fee for IV-D Non-TANF Cases
160.20	Assignment of Rights to Support
160.25	Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section	
160.30	Cooperation With Support Enforcement Program
160.35	Good Cause for Failure to Cooperate with Support Enforcement
160.40	Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45	Suspension of Child Support Enforcement Upon Finding of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section	
160.60	Establishment of Support Obligations
160.61	Uncontested and Contested Administrative Paternity and Support Establishment
160.62	Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program
160.65	Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80	Amnesty - 20% Charge
160.85	Diligent Efforts to Serve Process

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Income Tax Refunds and Other State Payments
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support for Interstate Cases
160.136	Distribution of Child Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section	
160.150	Department Review of Distribution of Child Support for TANF Recipients
160.160	Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18195, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22778, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

21, 1989; amended at 13 Ill. Reg. .7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective AUG 01 1998.

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section 160.30 Cooperation With Support Enforcement Program

- a) As a condition of eligibility, unless the Department determines there is good cause for refusing, a caretaker relative (see 89 Ill. Adm. Code 101.20 for definition of "caretaker relative") must cooperate with the Department in:
- 1) identifying and locating the responsible relative of a child for whom aid is claimed;
 - 2) establishing the paternity of a child for whom aid is claimed;
 - 3) obtaining support from the responsible relative; and
 - 4) enforcing support obligations.
- b) If the caretaker relative and his or her spouse are in the home and are included in the assistance grant, both must comply with the cooperation requirements. A caretaker relative who fails or refuses, without good cause (see Sections 160.35 through 160.45), to cooperate in the enforcement of support obligations shall be ineligible for medical assistance for himself or herself. If a caretaker states, without good cause, a refusal to cooperate with child support enforcement requirements, the family is not eligible for cash benefits. A caretaker who fails to cooperate, without valid reason, is subject to the following provisions:
- 1) For the first instance of non-cooperation, the cash assistance

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- payment will be reduced by 50 percent of the family's Payment Level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.
- 2) For the second instance of non-cooperation, the cash assistance payment will be reduced by 50 percent of the family's Payment Level for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment will be stopped.
 - 3) For the third (or more) instance of non-cooperation, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.
 - 4) Sanction penalties accumulate during any single period of continuous assistance. A loss of all cash assistance due to a sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction penalty shall apply.
 - 5) No sanction will be imposed until staff have a reconciliation meeting to determine whether the client had valid reason for failing to comply with requirements and the client has either failed to attend the meeting or failed to show valid reason. If the client fails to show valid reason, the reconciliation process will continue to enable resolution of disputes. Failure of the client to appear for a scheduled meeting is not considered an instance of noncooperation.
 - 6) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of cooperation. Through the reconciliation process, the Department will have a mechanism to identify good cause and valid reason, ensure that the client is aware of the issue and enable the client to perform the required activity without facing sanction.
- c) "Cooperating with the Department" in the context of subsection (a) of this Section means any of the following actions that are relevant to, or necessary for, the achievement of the objectives specified in subsection (a) of this Section:
- 1) appearing at such places as an office of the Department or the Department's legal representative (such as the Attorney General or his designee), as necessary, to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by the caretaker relative;
 - 2) appearing and testifying as a witness at judicial or administrative proceedings;
 - 3) paying to the Department any child support payments received from the responsible relative; and
 - 4) providing information, or attesting to the lack of information,

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

under penalty of perjury (for the penalty for perjury, see Section 32-2 of the Criminal Code [720 ILCS 5/32-2]). All caretaker relatives must sign a statement attesting that:

- A) he or she has, to the best of his or her ability, provided all information requested of him or her; and
- B) all information which he or she has provided is true and correct, to the best of his or her knowledge.

d) Grounds for a determination that a caretaker relative has failed or refused to cooperate with the requirements of subsection (c) of this Section are as follows:

- 1) failure or refusal, without a valid reason, to appear for an appointment or interview at such places as the Department's or the Department's legal representative's office;
- 2) failure or refusal, without a valid reason, to appear and testify as a witness at a judicial or administrative proceeding;
- 3) failure or refusal, without a valid reason, to submit to a court or administratively-ordered genetic test; or
- 4) failure or refusal during an appointment or interview to attest under penalty of perjury that:
 - A) he or she has provided all verbal or written information or documentary evidence known to, possessed by or reasonably obtainable by him or her about the identity and location of the responsible relative; and
 - B) the information provided is true and correct, to the best of his or her knowledge.

5) A caretaker relative may claim a valid reason for failure or refusal to appear for an appointment or interview, to appear and testify as a witness at a judicial or administrative proceeding or to submit to a court or administratively-ordered genetic test.

A) Examples of valid reasons for failure or refusal to cooperate include, but are not limited to:

- i) illness;
 - ii) incapacity (for example, a broken leg, information of a scheduled surgery or recuperation from surgery);
 - iii) death in the family;
 - iv) non-Child Support Enforcement court-required appearance;
 - v) temporary incarceration;
 - vi) family crisis;
 - vii) breakdown in child care arrangements;
 - viii) sudden or unexpected emergency;
 - ix) unavailability of otherwise suitable child care;
 - x) breakdown in transportation arrangements or lack of reasonably available transportation; or
 - xi) non-receipt of notice of appointment or interview, court date or genetic test date.
- B) The Department will not require a caretaker relative to provide proof of a valid reason for failure or refusal to

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

cooperate unless:

- i) the caretaker relative has failed or refused to appear for an appointment or interview, judicial or administrative proceeding or genetic test on at least one other occasion within a 30-day period from the first failure to appear; or
- ii) evidence, independent of the explanation of valid reason, contradicts the caretaker relative's explanation.

C) When the Department requests proof of a valid reason, the caretaker relative must provide such proof (for example, physician's statement, dated pharmacy statement, hospital admission statement, statements by witnesses) within ten calendar days after the request. The Department shall allow an additional ten calendar days to provide proof at the request of the caretaker relative. If the caretaker relative does not provide the proof, the Department shall reject the claim of a valid reason.

D) The sanction for failure or refusal to appear for an appointment or interview, judicial or administrative proceeding or genetic test shall be rescinded at any level of the appeal process up through and until the final agency decision and any lost benefits will be restored, if the caretaker relative establishes a valid reason for his or her failure or refusal.

e) If a caretaker relative, who is subject to the penalty at subsection (b) of this Section because of a failure or refusal to cooperate indicates that he or she is willing to cooperate within the three-month penalty period, he or she will be given the opportunity to cooperate. The caretaker relative will be determined to have cooperated if he or she complies with the requirements that he or she previously failed or refused to meet as follows:

- 1) In the case of a caretaker relative for whom a sanction was imposed for missing an interview or appointment, he or she may demonstrate cooperation by appearing at a new interview or appointment. If the caretaker relative notifies the Department that he or she is willing to cooperate, the Department will schedule a new interview or appointment no later than three weeks from the date of such notification. If the caretaker relative appears at the new interview or appointment, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.
- 2) In the case of a caretaker relative for whom a sanction was imposed for failure to submit to a genetic test to establish paternity, he or she may demonstrate cooperation by submitting to the genetic test. If the caretaker relative notifies the

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Department that he or she is willing to cooperate, the Department will schedule a genetic test within three weeks from the date of such notification. If the caretaker relative submits to the genetic test, the Department will authorize assistance as of the date the caretaker relative notified the Department that he or she was willing to cooperate if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

3) In the case of a caretaker relative for whom a sanction was imposed for not attending a court or administrative appearance, he or she may demonstrate cooperation by attending the next court or administrative appearance or, once in a court or administrative case after 30 days have passed since the missed appearance, by signing a statement that he or she is now willing to cooperate and will attend the next scheduled court or administrative appearance. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

4) In the case of a caretaker relative for whom a sanction was imposed for failure to attend a court or administrative appearance or other failure to cooperate resulted in the dismissal of the court or administrative case, he or she may demonstrate cooperation by doing what he or she failed to do or, once in a court or administrative case after 60 days have passed since the dismissal, by signing a statement that he or she is now willing to cooperate. Assistance for the caretaker relative shall be authorized as of the date he or she demonstrates cooperation by either method if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

5) In the case of a caretaker relative for whom a sanction was imposed for not attesting, he or she may demonstrate cooperation by executing the attestation described in subsection (d)(4) of this Section. Assistance for the caretaker relative shall be authorized as of the date he or she executes the attestation if this is the first penalty, or as of the first day of the fourth month if it is the second or third penalty.

6) The Department shall not deny or terminate a pregnant caretaker relative's medical assistance because of the caretaker relative's failure to cooperate with the requirements of subsection (c) of this Section until at least 30 days have elapsed since termination of the pregnancy.

f) A sanction for failure or refusal to comply with the requirements of subsection (c) of this Section shall be rescinded at any level of the appeal process up through and including the final agency decision and any lost benefits will be restored, if the caretaker relative

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

establishes good cause for failure or refusal. Sanctions under this Section, employment and training programs and the Responsibility and Services Plan (89 Ill. Adm. Code 112.79), and the School Attendance Initiative (89 Ill. Adm. Code 112.68(c)) shall be considered along one track. After a sanction is taken under one Section, a subsequent sanction under that Section or either of the other two Sections will be at the next sanction level, as described in Section 160.30(b)(1), (2) and (3) of this Section.

(Source: Amended 22 Ill. Reg. 14895, effective AUG 01 1998.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Electronic Filing of Returns or Other Documents

- 2) Code Citation: 86 Ill. Adm. Code 760

- 3) Section Numbers:
- | | |
|---------|-----------------|
| 760.100 | Adopted Action: |
| 760.110 | New Section |
| 760.120 | New Section |
| 760.200 | New Section |
| 760.210 | New Section |
| 760.220 | New Section |
| 760.230 | New Section |
| 760.240 | New Section |
| 760.300 | New Section |
| 760.310 | New Section |
| 760.320 | New Section |

- 4) Statutory Authority: 20 ILCS 2505/39c-1a

- 5) Effective Date of Rulemaking: August 3, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 10, 1998, 22 Ill. Reg. 6605

- 10) Has JCAR issued a Statement of Objections to this Rulemaking? No

- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: The proposed rules allow taxpayers to electronically file returns and other documents with the Department (other than those documents provided for in Part 150). The returns and other documents currently listed as being accepted are the Sales and Use Tax Returns ST-1 and ST-2. Amendments to the rules will be adopted as the Department develops the capability to accept other returns and documents in an electronic format.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Terry Charlton
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES
TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 760
ELECTRONIC FILING OF RETURNS OR OTHER DOCUMENTS

Section	
760.100	Electronic Returns
760.110	Exclusions from Electronic Filing
760.120	Where to Send Electronic Returns
760.200	Ways to Participate in Electronic Filing
760.210	Application and Registration for Electronic Filing
760.220	Electronic Payment Required
760.230	Electronic Signatures
760.240	Due Dates and Date Received
760.300	Responsibilities of Electronic Filers
760.310	Filing Acknowledgments
760.320	Electronic Payment Acknowledgments

AUTHORITY: Implementing and authorized by Section 39c-1a of the Civil Administrative Code of Illinois [20 ILCS 2505/39c-1a].

SOURCE: Adopted at 22 Ill. Reg. 14905, effective AUG 03 1998.

Section 760.100 Electronic Returns

- a) The Department has created a voluntary electronic filing program under this Part for certain returns and other documents that are required to be filed with the Department. Upon acceptance into the program, the returns, attachments, and other documents listed in this Section may be electronically filed with the Department.
- b) An electronic return consists of data transmitted to the Department electronically, and may include paper documents that contain information which cannot be electronically transmitted or are requested for verification. In total, electronic returns must contain the same information as traditionally filed paper documents.
- c) The following forms and schedules can be transmitted electronically under the provisions of this Part:
- 1) Form ST-1 Sales and Use Tax Return; and
 - 2) Form ST-2 Multiple Site attachment for Form ST-1.

Section 760.110 Exclusions from Electronic Filing

The following types of returns and documents are excluded from electronic filing under this Part:

- a) Returns from individuals or organizations who have not been accepted

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES

- as participants in the electronic filing program set forth in this Part;
- b) Returns requiring forms or schedules not listed in Section 760.100(c) of this Part;
- c) Any other return, form, or other document not listed in Section 760.100(c) of this Part; and
- d) Any return, form, or other document wherein electronic filing of those documents is provided for in Part 105, Electronic Filing of Illinois Individual Income Tax Returns.

Section 760.120 Where to Send Electronic Returns

Electronic returns, attachments, forms, and any other electronic documents that are being electronically filed pursuant to this Part must be transmitted to the Department as follows:

- a) Participants transmitting directly to the Department must transmit to the communications processor at the Illinois Department of Revenue in Springfield, Illinois. The telephone number will be provided to accepted participants.
- b) Participants transmitting to the Department through the use of a value added network (VAN) must transmit to a VAN used by the Department, or to a VAN which has an interconnect with such a VAN.

Section 760.200 Ways to Participate in Electronic Filing

Electronic filers can choose to perform all of the functions themselves that are associated with electronic filing, or they can choose to use the services of another accepted electronic filer (third party) to participate in the electronic filing program. For example:

- a) A participant can be a taxpayer who prepares the electronic return or other document and transmits it directly to the Department or a VAN using software developed by the taxpayer or a software provider.
- b) A participant can be a taxpayer who uses the services of a service group or other third party to prepare the electronic return or other document and transmit it to the Department or a VAN.
- c) A participant can be a third party transmitter who takes prepared returns from taxpayers or service groups and transmits them to the Department either directly or through the use of a VAN.
- d) A participant can be a service group or other third party who prepares electronic returns or other documents and transmits them to the Department either directly or through the use of a VAN.
- e) A participant can be a software developer who:
- 1) develops software to format return information to conform with the Department specifications; and/or
 - 2) develops software to transmit to the Department either directly or through the use of a VAN.

Section 760.210 Application and Registration for Electronic Filing

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- a) Application to participate in the electronic filing program provided for in this Part must be made by completing and signing Form EDI-1, Registration for Electronic Data Interchange. The Form EDI-1 must be mailed to the Department at the following address:

Electronic Filing
Illinois Department of Revenue
101 West Jefferson
Springfield, IL 62702

- b) Participants are required to make return payments by electronic means for returns that are filed electronically with the Department. See Section 760.220 of this Part.
- c) Participants that are transmitting directly to the Department and software developers must successfully complete testing with the Department in order to be accepted into the electronic filing program.
- d) Taxpayers that use service groups or other third parties or agents to file returns or other documents electronically remain responsible for completing their own registration form. Service groups or other third parties or agents cannot complete or sign the registration on behalf of a taxpayer.
- e) Participants must submit a revised Form EDI-1 to the Department to update the information contained on their most current Form EDI-1 when there are changes involving:
- 1) the taxpayer's name, the firm name, or doing business as (DBA) name(s);
 - 2) any address, telephone or contact representative;
 - 3) Federal Employer's Identification Number (FEIN), Social Security Number (SSN), or Illinois Business Tax number (IBT);
 - 4) the electronic filing functions performed; or
 - 5) the taxpayer's signature code.
- f) The Department reserves the right to limit the number of participants in this electronic filing program.

Section 760.220 Electronic Payment Required

- a) Taxpayers who electronically file returns and other documents with the Department under the provisions of this Part must make any required payments relating to those returns or documents through electronic means. The methods of electronic payment that can be utilized are as follows:
- 1) Electronic payment by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750;
 - 2) Electronic payment by including payment data as part of an EDI 813 Electronic Filing of Tax Return Data transaction set (see Section 760.320 of this Part); or
 - 3) Electronic payment by including payment data in an EDI 820

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Payment Order/Remittance Advice transaction set (see Section 760.320 of this Part).

- b) Regardless of the electronic payment method selected, taxpayers must complete and submit Form EFT-1, Authorization Agreement for Electronic Funds Transfer, as part of the EDI electronic filing registration process. This is required unless a participant is already enrolled to make payments in the Department's Electronic Funds Transfer Program for the returns or other documents listed in Section 760.100(c) of this Part. Form EFT-1 must be completed and submitted with the Form EDI-1 application for electronic filing.
- c) Taxpayers making electronic payments must initiate the transfer so that the amount due is deposited as collected funds to the Department's account on or before the due date under the appropriate tax Act. Taxpayers are reminded that the provisions of Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25] do not apply to payments made by electronic means as those payments are not transmitted by mail.

Section 760.230 Electronic Signatures

- a) Taxpayers must select their own signature code (personal identification code) on Form EDI-1, and the taxpayer or authorized officer or other individual responsible for filing the returns or other documents must properly sign the Form EDI-1.
- b) The taxpayer's signature code is to be used in lieu of a written signature when filing electronic returns, forms, or other documents with the Department.
- c) The effect of including a valid signature code as part of a transaction transmission has the same legal effect as the taxpayer having signed the returns or other documents that are in that transaction transmission.
- d) Electronically transmitted returns and other documents will be considered unsigned unless the taxpayer's registered signature code is included, and received by the Department, as part of that transaction transmission.
- e) A signature code is considered to be valid once it is registered by the Department until it expires or any of the following occurs:
- 1) The Department receives a written request from the taxpayer to have that taxpayer's signature code invalidated. To continue electronic filing under this Part, the taxpayer must submit a revised Form EDI-1 and select a new signature code.
 - 2) The taxpayer files a revised Form EDI-1 and has selected a new signature code on that form.
 - 3) The taxpayer notifies the Department that the signature code has been compromised. To continue electronic filing under this Part, the taxpayer must submit a revised Form EDI-1 and select a new signature code.
- f) For electronic returns and other documents authorized to be filed

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

under Section 760.100(c) of this Part, a registered signature code is valid until the expiration of the corresponding certificate of registration or other certification issued by the Department to the taxpayer. The Department will notify the taxpayer at the time of expiration. At that time, the taxpayer must either reconfirm the signature code previously selected or select a new signature code. Upon the expiration of a signature code, any electronically transmitted return and other documents containing the expired code will be considered unsigned.

Section 760.240 Due Dates and Date Received

- a) When the statutory due date for filing a return and other document or making payment with the Department falls on a weekend or a banking holiday observed by the State of Illinois, the Department will accept the electronic return or other document and the payment on the next business day. Electronic filers are responsible for timely initiating the transaction to assure the return and other document is received by, and the payment made available to, the Department on the day following the weekend or banking holiday.
- b) When the statutory due date for filing or payment is the next day following a weekend or observed banking holiday, electronic filers are responsible for initiating the transaction prior to or on the last business day before the weekend or banking holiday, to assure the return and other document is received by, and the payment made available to, the Department by the due date.
- c) The receipt date of the electronic transmission will constitute the receipt date of the electronic return or other document if the transmission is acknowledged as accepted, or accepted with error, with a detailed acknowledgment from the Department as provided in Section 760.310. Any return acknowledged as rejected with a functional or detailed acknowledgment will be considered not filed. The receipt date of the electronic transmission will be:
 - 1) when the telephone transmission ends for participants transmitting directly to the Department; and
 - 2) when the transmission is deposited into the Department's electronic mailbox for participants that are using VANS.
- d) The receipt date for electronic payment will be the date the payment is actually deposited as collected funds to the Department's account.

Section 760.300 Responsibilities of Electronic Filers

- a) All electronic filers must comply with all of the requirements and specifications set forth in this Part, and in the Department's booklets EDI-2, Implementation Guide for Electronic Filing, and EDI-2-A, Procedures for Electronic Filing.
- b) Taxpayers filing electronically or using Electronic Data Interchange (EDI) must keep records equivalent to the level of detail contained in

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- c) an acceptable paper record. For example, see 86 Ill. Adm. Code 130.801, 130.805, and 130.825.
- d) Electronic filers are responsible for ensuring that electronic returns or other electronic documents and payments are filed with or paid to the Department in a timely manner as provided in Section 760.240 of this Part.
- e) Electronic filers are responsible for ensuring the security and confidentiality of all transmitted data until it has been received directly by the Department, or received by a VAN the Department is using.
- f) Electronic filers must not use software that has a Department assigned production password built into the software.
- g) Electronic filers cannot recall or intercept electronically filed returns or other documents after they have been acknowledged as accepted with a detailed acknowledgment from the Department. If the taxpayer wishes to amend any accepted electronically filed return, the corresponding paper amended return form must be filed with the Department.
- h) Electronic filers must make transmissions and retrieve acknowledgments in a timely manner. Acknowledgment files will normally be available from the Department within 24 hours after the transmission is received.
- i) Electronic filers must match acknowledgment files to the original transmission files. Returns acknowledged as accepted with a detailed acknowledgment from the Department as provided in Section 760.310 of this Part will be considered filed returns. Returns acknowledged as rejected must be corrected and retransmitted, if possible. Returns that cannot be retransmitted must be timely filed on the corresponding paper form.
- j) Electronic filers must immediately contact the Electronic Filing office if an acknowledgment has not been available after 36 hours from the transmission of the return.
- k) Electronic filers must contact the Electronic Filing office for assistance if returns have been rejected after three attempts, or if acknowledgments are received for returns that were not in the original transmissions.
- l) Taxpayers are responsible for retaining copies of all the acknowledgment files received from the Department or third party transmitters. These may be retained on magnetic media. Taxpayers must retain all copies of the acknowledgment files received from the Department for as long as the taxpayer would be required to keep tax records in a paper format.
- m) Electronic filers who provide transmission services to other electronic filers must:
 - 1) Accept electronic returns or other documents for direct or VAN transmission to the Department only from electronic filers accepted in this program;
 - 2) Provide each of their clients with the acknowledgment files for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

their transmissions within 24 hours after the availability of the acknowledgment from the Department; and

3) Retain copies of all acknowledgment files received from the Department for one year from the date of receipt. These may be retained on magnetic media.

m) Electronic filers who are software developers must:

- 1) Correct any software errors quickly to assure timely transmission of electronic returns or other documents;
- 2) Expeditiously distribute any corrections to all electronic filers utilizing the software; and
- 3) Not incorporate into its software a Department assigned production password.

Section 760.310 Filing Acknowledgments

a) The Department will provide two different levels of acknowledgments for filing electronic returns and other electronic documents with the Department. The acknowledgments are referred to as the 997-Functional Acknowledgment and the 151-Electronic Filing of Tax Return Data Acknowledgment. These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.

b) The first level of acknowledgment is the 997-Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.

1) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment data) contained in the transmission are considered not filed.

2) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents contained in the transmission. Receipt of a 997 designating acceptance does not mean that included transaction sets (electronic documents or payment data) are accepted for processing or that they are considered filed.

3) If the 997 acknowledgment designates acceptance, the individual transaction sets (electronic documents and payment data) may still be rejected later in the processing of the transmission. Note: Only a 151 acknowledgment (described below) designating acceptance will mean the transaction sets are considered filed and will be processed.

c) The second level of acknowledgment is the 151-Electronic Filing of Tax Return Data Acknowledgment. If the 997 acknowledgment designates acceptance, a 151 acknowledgment will be provided for each 813-Electronic Filing of Tax Return Data transaction set contained in that transmission. The 151 acknowledgment is a detailed

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

acknowledgment of the electronic return or document included in that 813 transaction set.

1) If the 151-Electronic Filing of Tax Return Data Acknowledgment designates an 813-Electronic Filing of Tax Return Data transaction set is rejected, the electronic return or document represented by that 813 transaction set is considered not filed, and any payment authorization included will not be processed.

2) If the 151-Electronic Filing of Tax Return Data Acknowledgment designates an 813-Electronic Filing of Tax Return Data transaction set is accepted, the electronic return or document represented by that 813 transaction set will be considered filed.

3) If the 151-Electronic Filing of Tax Return Data Acknowledgment designates an 813-Electronic Filing of Tax Return Data transaction set is accepted, and that 813 also includes a payment authorization, the presence of a confirmation number in the 151 will indicate that the payment authorization has also been accepted for processing. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

Section 760.320 Electronic Payment Acknowledgments

a) This Section does not apply to electronic payments by electronic funds transfer under the Electronic Funds Transfer Program described in 86 Ill. Adm. Code 750.

b) The Department will provide two different levels of acknowledgments for electronic payments. The first level of acknowledgment is the 997-Functional Acknowledgment. The second level of acknowledgment is either the 151-Electronic Filing of Tax Return Data Acknowledgment (for electronic payment data included in an 813 transaction set) or the 824-Application Advice (for detailed acknowledgment of each 820-Payment Order/Remittance Advice transaction set). These acknowledgments are based upon transaction sets developed and approved for Electronic Data Interchange (EDI) by the American National Standards Institute's Accredited Standards Committee X12.

c) The first level of acknowledgment is the 997-Functional Acknowledgment. This acknowledgment determines whether the electronic transmission contains any syntax errors at any level.

1) If the 997 acknowledgment designates rejection, the entire transmission is rejected and all the transaction sets (electronic documents and payment information) contained in the transmission are considered not received.

2) If the 997 acknowledgment designates acceptance, this is only evidence that the Department received a transmission from the sender. The 997 acknowledgment is not a detailed acknowledgment of the electronic documents or payment information contained in the transmission. Receipt of a 997 designating acceptance does

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

not mean that included transaction sets (electronic documents or payment data) are accepted for processing or that they are considered filed or received.

- d) The second level of acknowledgment is dependent upon whether the taxpayer has chosen to include the electronic payment data as part of the 813-Electronic Filing of Tax Return Data transaction set or has chosen to send the payment data in a separate transaction as an 820-Payment Order/Remittance Advice transaction set.

- e) For taxpayers that have chosen to include the electronic payment data as part of the 813-Electronic Filing of Tax Return Data transaction set and have had the 997 acknowledgment designate acceptance, a 151 acknowledgment will be provided for each 813 transaction set contained in that transmission. The 151 acknowledgment is a detailed acknowledgment of the electronic return and payment data included in that 813 transaction set.

- 1) If the 151-Electronic Filing of Tax Return Data Acknowledgment designates an 813-Electronic Filing of Tax Return Data transaction set is rejected, the electronic return and payment data represented by that 813 transaction set is considered not received.

- 2) If the 151-Electronic Filing of Tax Return Data Acknowledgment designates an 813-Electronic Filing of Tax Return Data transaction set is accepted, and the 151 also contains a confirmation number, the electronic return and payment data represented by that 813 transaction set will be considered received, and will be processed. If the 151 does not contain a confirmation number, it means the payment authorization will not be processed, although the electronic return or other document has been accepted.

- f) For taxpayers that have chosen to send the payment data in a separate transaction as an 820-Payment Order/Remittance Advice transaction set and have had the 997 acknowledgment designate acceptance, an 824-Application Advice acknowledgment will be provided for each 820 transaction set contained in that transmission. The 824 acknowledgment is a detailed acknowledgment of the payment data included in that 820 transaction set.

- g) The 820-Payment Order/Remittance Advice transaction set may include one or multiple payment authorizations. The 824-Application Advice acknowledgment may accept or reject an entire 820 transaction set, or any specific debit authorization(s) included in the 820 transaction set.

- 1) If the 824-Application Advice acknowledgment designates the entire 820-Payment Order/Remittance Advice transaction set is rejected, all electronic payment data represented by that 820 transaction set is considered not received. If there are multiple payment authorizations included in the 820 transaction set, none of the payment authorizations will be processed.

- 2) If the 824-Application Advice acknowledgment designates the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

entire 820-Payment Order/Remittance Advice transaction set is accepted, it does not mean that the payment authorization(s) included will be processed. The 824 acknowledgment may still reject any specific payment authorization(s) included in the 820 transaction set. If there are multiple payment authorizations, all may be rejected, all may be accepted, or some may be accepted and some may be rejected.

- 3) If the 824-Application Advice acknowledgment designates the entire 820-Payment Order/Remittance Advice transaction set is accepted, the presence of a confirmation number for a specific payment authorization will indicate that the authorization will be processed by the Department. If there is no confirmation number for a specific payment authorization, it means that the authorization will not be processed.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Numbers: Adopted Action:
500.270 Amendment
500.345 Amendment
- 4) Statutory Authority: 35 ILCS 505
- 5) Effective Date of Amendment(s): August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
May 1, 1998, 22 Ill. Reg. 7550
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: There were no differences between proposed and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
500.235	Amendment	5/8/98, 22 Ill. Reg. 7895
500.245	Amendment	5/15/98, 22 Ill. Reg. 8371

- 15) Summary and Purpose of Amendment(s): This proposed rulemaking amends the records requirements of the Motor Fuel Tax regulations by requiring beginning and ending odometer readings to be documented on a trip report. It also makes a minor change as a result of P.A. 90-491.

- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure
500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.210	Distributors and Suppliers
500.215	Documentation of Tax-free Sales of Motor Fuel Made by Licensed
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by
	Suppliers and Fuel Consumed by Receivers

500.235	Claims for Refund - Invoices
500.240	Sales of Special Fuel - Variation in Usage
500.245	Estimated Claims Not Acceptable
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. - Notice - Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating
	Local Transportation Systems
500.285	Sales of Motor Fuel to Certain Privately-Owned Public Utilities
	Owning and Operating Transportation Systems in Metropolitan Areas
500.290	When Purchaser's License Number With Department on Invoices Covering
	Sales of Special Fuel is Required (Repealed)
500.295	Cost of Collection - Determination (Repealed)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals
500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits
500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
550.335	Quarterly Payment and Reporting
550.340	Credits and Refunds
550.345	Records Requirements
550.350	Revocation
550.355	Protest Procedures
550.360	Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
500.400	General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED

UNDER THE MOTOR FUEL TAX LAW

Section	
500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section	
500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 39b2 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b2].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 96, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990; amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10169, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective AUG 03 1998.

SUBPART B: MOTOR FUEL TAX

Section 500.270 Receivers' Claims for Credit

Any receiver who has paid the tax imposed by Section 2a of the Motor Fuel Tax Law (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may reasonably require. The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to such receiver's legal representative. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given. (Section 13a.8 of the Law) Claims filed under this Section for overpayment of the tax imposed by Section 2a of the Law approved by the Department shall bear interest at the rate and in the manner set by the Uniform Penalty and Interest Act.

(Source: Amended at 22 Ill. Reg. 14917, effective AUG 03 1998)

SUBPART C: MOTOR FUEL USE TAX

Section 500.345 Records Requirements

- a) Each licensee shall maintain records to substantiate information reported on the quarterly tax report. Records shall be preserved

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

for a period of four years from the due date of the return or the date filed, whichever is later. Records may be kept on microfilm, microfiche, or other computerized or condensed record storage system. Such records, for IFTA licensees, shall be made available upon request of any member jurisdiction.

- b) Non-compliance with any recordkeeping requirement may be cause for revocation of the license.
- c) Failure to provide records demanded for the purpose of audit extends the statute of limitations until the records are provided. Successive failures to adequately respond to a demand for records relate back to the first demand.
- d) Bulk storage fuel purchases and withdrawals and over-the-road purchases are to be accounted for separately.
- e) Fuel records shall contain the following items:
 - 1) the date of each receipt of fuel;
 - 2) the name and address of the person from whom purchased or received;
 - 3) the number of gallons received;
 - 4) the type of fuel; and
 - 5) the vehicle or equipment into which the fuel was placed.
- f) All licensees shall, in addition, maintain detailed distance records which show operations on an individual-vehicle basis. Such records shall contain but not be limited to:
 - 1) both taxable and non-taxable usage of fuel;
 - 2) distance traveled for taxable and non-taxable use; and
 - 3) distance recaps for each vehicle for each jurisdiction in which the vehicle operated.

The Individual Vehicle Mileage Record (IVMR) required by the International Registration Plan is an acceptable source document for recording vehicle distance information. Another acceptable source document is a trip report which includes the information in subsection (f)(1)-(3), as well as the date of trip (starting and ending), trip origin and destination (including city and state), routes of travel, and/or beginning and ending odometer readings, vehicle unit number, vehicle fleet number and licensee's name.

- g) On-Board Recording Devices. On-board recording devices may (at the option of the carrier) be used in lieu of or in addition to handwritten trip reports for fuel tax reporting. On-board recording devices may be used alone or in conjunction with an electronic computer system, or in conjunction with manual systems.

- 1) All recording devices used to generate trip reports or used in conjunction with manual systems must meet the requirements shown in subsections (g)(3) and (4) below. When the on-board recording device is used in conjunction with an electronic computer system and reports are prepared on the basis of data downloaded from the recording device, the overall system must meet the requirements of subsections (g)(4), (5) and (7).
- 2) Use of On-Board Recording Device Only. When the device is to

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

be used alone, printed reports must be produced which replace the handwritten trip reports. The printed trip reports shall be retained for audit. Vehicle and fleet summaries which show miles and kilometers by jurisdiction must then be prepared manually.

- 3) Use of On-Board Recording Device in Conjunction with Electronic Computer System. When the computer system is designed to produce printed trip reports, vehicle and fleet summaries which show miles and kilometers by jurisdiction must also be prepared. When the printed trip reports will not be retained for audit, the system must have the capability of producing, upon request, the reports indicated in subsection (g)(7).

- 4) Minimum Device Requirements. Minimum device requirements include the following:

- A) The carrier must obtain a certificate from the manufacturer certifying that the design of the on-board recording device has been sufficiently tested to meet the requirements of this provision.
- B) The on-board recording device and associated support systems must be, to the maximum extent practicable, tamper proof and must not permit altering of the information collected. Editing of copies of the original information collected will be allowed, but all editing must be identified and both the edited and original data must be recorded and retained.
- C) The on-board recording device shall warn the driver visually and/or audibly that the device has ceased to function.
- D) The device must time and date stamp all data recorded.
- E) The device must not allow data to be overwritten before the data has been extracted. The device shall warn the driver visually and/or audibly that the device's memory is full and can no longer record data.
- F) The device must automatically update a life-to-date odometer when the vehicle is placed in motion or the operator must enter the current vehicle odometer reading when the on-board recording device is connected to the vehicle.
- G) The device must provide a method for the driver to confirm that the entered data is correct (e.g., a visual display of the entered data that can be reviewed and edited by the driver before the data is finally stored).
- 5) Data collection. To obtain the information needed to verify fleet distance, to prepare the "Individual Vehicle Distance Record(s)" (IVDR), and for fuel tax purposes, the device must collect the following data on each trip:
 - A) date of trip (starting and ending);

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- B) trip origin and destination (location code is acceptable);
 - C) routes of travel;
 - D) beginning and ending odometer or hubodometer reading of the trip;
 - E) total trip distance;
 - F) distance by jurisdiction;
 - G) power unit number or vehicle identification number;
 - H) vehicle fleet number;
 - I) registrant's name;
 - J) driver ID or name;
 - K) intermediate trip stops;
 - L) date of purchase;
 - M) seller's name and address (vendor code acceptable);
 - N) number of gallons purchased;
 - O) fuel type (may be referenced from vehicle file);
 - P) price per gallon or total amount of sale (required only for purchases from vendors);
 - Q) unit numbers; and
 - R) purchaser's name (in the case of lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).
- 6) For purposes of bulk fuel tax, the device must collect, in addition to the items in subsection (g)(5)(A)-(R), the following data:
 - A) date of withdrawal;
 - B) number of gallons;
 - C) fuel type;
 - D) unit number; and
 - E) purchase and inventory records to substantiate that tax was paid on all bulk purchases.
 - 7) Capability of System to Produce Reports. Generally speaking, the reports referred to in this subsection are not prepared by the on-board recording device. Instead, these reports are prepared using an electronic computer system which accepts data from the on-board recording device. The system must be able to produce the following reports:
 - A) For each trip, an Individual Vehicle Distance Record (IVDR) report that includes the information required in subsection (g)(5) (Note: this report may be more than one page);
 - B) A report that indicates when the on-board recording device was last calibrated and the calibration method used;
 - C) An exception report(s) that identifies all edited data, omissions of required data (see subsection (g)(5)), system failures, noncontinuous life-to-date odometer readings, travel to noncontiguous states, and trips where the location of the beginning trip is not the location of the previous trip;

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- D) A monthly, quarterly, and annual summary of vehicle trips by vehicle number showing miles or kilometers by jurisdiction;
- E) Monthly, quarterly, and annual trip summaries by fleet showing the number of miles or kilometers by jurisdictions.
- 8) Carrier Responsibilities. All carriers must observe the following requirements:
- A) It is the carrier's responsibility to recalibrate the on-board recording device when tire size changes, the vehicle drive-train is modified, or any modifications are made to the vehicle which affect the accuracy of the on-board recording device. The device must be maintained and recalibrated in accordance with the manufacturer's specifications. A record of recalibrations must be retained for the audit retention period.
- B) It is the carrier's responsibility to assure its drivers are trained in the use of the computer system. Drivers shall be required to note any failure of the on-board recording device and to prepare manual trip reports of all subsequent trip information until the device is again operational.
- C) It is the carrier's responsibility to maintain a second copy (back-up copy) of the electronic files either electronically or in paper form for the audit retention period.
- D) It is the carrier's responsibility to assure the entire record-keeping system meets the requirements of the Department. It is suggested that the carrier contact the Department's audit division for verification of audit compliance prior to implementation.

(Source: Amended at 22 Ill. Reg. 14918, effective AUG 03 1990)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Special County Retailers' Occupation Tax for Public Safety
- 2) Code Citation: 86 Ill. Adm. Code 670
- 3) Section Numbers: Adopted Action:
670.101 Amendment
670.130 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b29
- 5) Effective Date of Amendment(s): August 3, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
May 1, 1998, 22 Ill. Reg. 7564
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: In Section 670.130, added ", and the referendum must pass," after "Law" in the second sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): In response to Public Acts 90-190 and 90-267, this rulemaking amends the Special County Occupation Tax For Public Safety Law by providing that if a county imposes a tax under the Law, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with the Law in order to increase the rate of the tax or to reimpose the discontinued tax. In addition, the rulemaking provides that "public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services.
- 16) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

directed to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS
TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 670

SPECIAL COUNTY RETAILERS' OCCUPATION TAX FOR PUBLIC SAFETY

Section	Nature of the Special County Retailers' Occupation Tax For Public Safety
670.101	Safety
670.105	Registration and Returns
670.110	Claims to Recover Erroneously Paid Tax
670.115	Jurisdictional Questions
670.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
670.125	Penalties, Interest and Procedures
670.130	Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b29].

SOURCE: Adopted at 20 Ill. Reg. 13065, effective September 24, 1996; amended at 22 Ill. Reg. 14926, effective AUG 03 1998.

Section 670.101 Nature of the Special County Retailers' Occupation Tax For Public Safety

a) Authority to Impose Tax

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with this State's government, at retail in the county on the gross receipts from sales made in the course of such business to provide revenue to be used exclusively for public safety purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. "Public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services. If imposed, such tax shall only be imposed in 1/4% increments. This additional tax may not be imposed on the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

needles used by diabetics (Section 5-1006.5 of the Code). The tax imposed by a county under the Code and this part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b) Passing on the Tax

The legal incidence of the Special County Retailers' Occupation Tax For Public Safety is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Special County Retailers' Occupation Tax For Public Safety Law to reimburse themselves for their sellers' Special County Retailers' Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act [35 ILCS 105], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

c) Exclusion from "Gross Receipts"

Any amount added to the selling price of tangible personal property by the seller because of a Special County Retailers' Occupation Tax For Public Safety, or because of the Illinois Retailers' Occupation Tax, or as Illinois Use Tax, and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such Special County Retailers' Occupation Tax For Public Safety.

(Source: Amended at 22 Ill. Reg. 14926, effective AUG 03 1998)

Section 670.130 Effective Date

If a county imposes a tax under the Special County Occupation Tax For Public Safety Law (Law), the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board has lowered the tax rate or discontinued the tax, a referendum must be held in accordance with Section 5-1006.5 of the Law, and the referendum must pass, prior to subsequent increases of the rate or reimposition of the tax in order to increase the rate of the tax or to reimpose the discontinued tax. An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the Special-County Retailers' Occupation Tax For Public Safety Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale is deemed to be the date of the delivery of the property.

(Source: Amended at 22 Ill. Reg. 14926, effective AUG 03 1998)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Special County Service Occupation Tax for Public Safety
- 2) Code Citation: 86 Ill. Adm. Code 680
- 3) Section Numbers:
680.101
680.130
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: 20 ILCS 2505/39b29
- 5) Effective Date of Amendment(s): AUG 03 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is of file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
May 1, 1998, 22 Ill. Reg. 7568
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: In Section 680.130, added ", and the referendum must pass," after "Law" in the second sentence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): In response to Public Acts 90-190 and 90-267, this rulemaking amends the Special County Occupation Tax For Public Safety Law by providing that if a county imposes a tax under the Law, the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board lowers the tax rate or discontinues the tax, a referendum must be held in accordance with the Law in order to increase the rate of the tax or to reimpose the discontinued tax. In addition, this rulemaking provides that "public safety" includes, but is not limited to, fire fighting, police, medical, ambulance, or other emergency services.

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS
TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 680
SPECIAL COUNTY SERVICE OCCUPATION TAX FOR PUBLIC SAFETY

Section
680.101
680.105
680.110
680.115
680.120
680.125
680.130

Nature of the Special County Service Occupation Tax For Public Safety
Registration and Returns
Claims to Recover Erroneously Paid Tax
Jurisdictional Questions
Incorporation of Service Occupation Tax Regulations by Reference
Penalties, Interest and Procedures
Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b29].

SOURCE: Adopted at 20 Ill. Reg. 13073, effective September 24, 1996; amended at 22 Ill. Reg. 14930, effective **AUG 03 1998**.

Section 680.101 Nature of the Special County Service Occupation Tax For Public Safety

a) Authority to Impose Tax

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of making sales of service in such county, at the same rate of tax imposed pursuant to Section 5-1006.5 of the selling price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to such sale of service to provide revenue to be used exclusively for public safety purposes in that county. "Public safety" includes, but is not limited to, fire fighting, police, medical ambulance, or other emergency services. If imposed, such tax shall only be imposed in 1/4% increments. The tax imposed by a county under the Code and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b)

Passing on the Tax
Servicemen are required to collect the Special County Service Occupation Tax For Public Safety (when applicable) from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Special County Service Occupation Tax For Public Safety is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Special County Service Occupation Tax For Public Safety Law to reimburse themselves for their servicemens' Special County Service Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act [35 ILCS 110], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

c) Exclusion from "Cost Prices"

Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of a Special County Service Occupation Tax For Public Safety, or because of the Illinois Service Occupation Tax [35 ILCS 115], the Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-5], the Non-Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-1.4], the Metro East Mass Transit District Service Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Service Occupation Tax [70 ILCS 3720/4(c)], shall not be regarded as a part of the selling price which is subject to such Special County Service Occupation Tax For Public Safety.

(Source: Amended at 22 Ill. Reg. **14930**, effective **AUG 03 1998**)

Section 680.130 Effective Date

If a county imposes a tax under the Special County Occupation Tax For Public Safety Law (Law), the county board may, by ordinance, discontinue or lower the rate of the tax. If the county board has lowered the tax rate or discontinued the tax, a referendum must be held in accordance with Section 5-1006.5 of the Law, and the referendum must pass, prior to subsequent increases of the rate or reimposition of the tax in order to increase the rate of the tax or to reimpose the discontinued tax. An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the **Special-County Service-Occupation-tax-For-Public-Safety** Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman retransfers as an incident to service.

(Source: Amended at 22 Ill. Reg. **14930**, effective **AUG 03 1998**)

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank or Corporate Fiduciary
- 2) Code Citation: 38 Ill. Adm. Code 900
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
900.10	Amendment
900.20	Amendment
900.30	Amendment
900.70	Amendment
900.80	Amendment
900.100	Amendment
900.120	Amendment
900.160	Amendment
900.180	Amendment
900.210	Amendment
- 4) Statutory Authority: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)] and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)].
- 5) Effective Date of Adopted Amendment: July 28, 1998
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposed Amendments was published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8251
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were recommended.
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

15) Summary and Purpose of Rules: This rulemaking makes it clear that these hearing procedures apply to orders of prohibition as well as to orders of removal. The rulemaking also specifies that these hearing procedures shall apply to revocations of foreign bank representative office licenses.

16) Information and questions regarding these Adopted Amendments shall be directed to:

John Arthur
Office of Banks and Real Estate
500 East Monroe, Suite 900
Springfield, Illinois 62701
217/782-3000 fax: 217/524-5941

The full text of the Adopted Amendments begins on the next page:

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER VII: STATE BANKING BOARD OF ILLINOIS

PART 900

HEARINGS FOR REMOVAL OR PROHIBITION OF DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS OF A STATE BANK OR CORPORATE FIDUCIARY OR REVOCATION OF A FOREIGN BANK REPRESENTATIVE OFFICE LICENSE

Section	
900.10	Applicability
900.20	Definitions
900.30	Request for a Hearing
900.40	Hearing Officer
900.50	Notice of Hearing
900.60	Motions
900.70	Answer to the Order of Removal
900.80	Form of Pleadings
900.90	Service
900.100	Appearances
900.110	Consolidation of Hearing Proceedings
900.120	Intervention
900.130	Authority of Hearing Officer
900.140	Prehearing Conferences
900.150	Practice by Telephone
900.160	Subpoenas
900.170	Discovery
900.180	Evidence Depositions
900.190	Conduct of a Hearing
900.200	Evidence
900.210	Record of Hearing Proceedings
900.220	Briefs
900.230	Hearing Officer's Findings of Fact and Conclusions of Law
900.240	Board's Determination
900.250	Construction of Rules

AUTHORITY: Implementing Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6] and authorized by Section 80(j) of the Illinois Banking Act [205 ILCS 5/80(j)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 15672, effective September 11, 1986, for a maximum of 150 days; chapter number and Part number corrected at 10 Ill. Reg. 20328; adopted at 11 Ill. Reg. 8905, effective April 24, 1987; amended at 12 Ill. Reg. 17074, effective October 11, 1988; amended at 20 Ill. Reg. 11359, effective August 1, 1996; expedited correction at 20 Ill. Reg. 14944, effective August 1, 1996; amended at 22 Ill. Reg. 17433, effective JUL 28 1998.

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

Section 900.10 Applicability

This Part shall apply to hearings conducted under the jurisdiction of the State Banking Board of Illinois pursuant to Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)], and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6], and Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6].

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.20 Definitions

For purposes of this Part:

"Act" means the Illinois Banking Act [205 ILCS 5/].

"Board" means the State Banking Board of Illinois.

"Commissioner" means the Office of the Commissioner of Banks and Real Estate.

"Corporate Fiduciary" shall have the meaning ascribed to it in the Corporate Fiduciary Act [205 ILCS 620].

"Foreign Bank" shall have the meaning ascribed to it in Section 2 of the Foreign Bank Representative Office Act [205 ILCS 650/2].

"Hearing Officer" means an attorney licensed in the State of Illinois who is the presiding official appointed by the Board to conduct a hearing.

"Order" means an Order of Removal or an Order of Prohibition pursuant to Section 48(7) of the Illinois Banking Act [205 ILCS 5/48(7)] and Section 5-6 of the Corporate Fiduciary Act [205 ILCS 620/5-6] or a revocation of a Foreign Bank Representative Office license pursuant to Section 6 of the Foreign Bank Representative Office Act [205 ILCS 650/6].

"Party" includes the Commissioner, any person named in an Order of Removal and, after the date of a Ruling permitting the State bank or corporate fiduciary to intervene, the State bank or corporate fiduciary affected by the Order of Removal.

"Person" means any director, officer, employee or agent of a State bank or corporate fiduciary, or foreign bank.

"Respondent" means the persons person(s) named in the Order of

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

Removal.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.30 Request for a Hearing

A request for a hearing before the Board pursuant to Section 48(7) of the Illinois Banking Act, Section 5-6 of the Corporate Fiduciary Act, or Section 6 of the Foreign Bank Representative Office Act of the Act shall be in writing and shall be received by the Board within 10 days after receipt of the Order of Removal.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.70 Answer to the Order of Removal

- An answer to the Order of Removal under Section 48(7) of the Act is not required unless the respondent seeks to contest such Order.
- If an order is filed, an answer to the Order of Removal under Section 48(7) of the Act shall be filed with the Board or its duly appointed hearing officer and the Commissioner within 20 days after the day on which the Order of Removal is served upon the respondent.
- An answer shall contain an explicit admission, denial or appropriate response to each allegation contained within the Order of Removal.
- Allegations in the Order of Removal to which there is no response shall be deemed admitted.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.80 Form of Pleadings

- All pleadings shall clearly show the title and docket number of the proceeding in connection with which the pleadings are filed.
- All pleadings shall be typewritten on 8 1/2 x 11 inch paper.
- Three copies of all pleadings shall be filed with the Board or its duly appointed hearing officer.
- One of the three copies of each pleading filed shall be signed by the party or by the attorney representing the party and shall contain the address and telephone number of the individual signing the pleadings.
- All pleadings required to be filed with the Board or its duly appointed hearing officer shall be sent either by certified mail, return receipt requested, or by personal delivery to the Board at 500 East Monroe Street, Springfield, Illinois 62701-1532.

(Source: Amended at 22 Ill. Reg. 14934, effective

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

JUL 28 1998

Section 900.100 Appearances

- a) A respondent may appear on the respondent's own behalf or may be represented by an attorney.
- b) An attorney representing a respondent shall file, within twenty-four days from the day on which an Order of Removal has been served upon the respondent, a written notice of appearance with the Board or its duly appointed hearing officer that which notice shall identify the attorney by name, address and telephone number.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.120 Intervention

- a) Upon application by the State bank or corporate fiduciary affected by an Order of Removal, the Board or its duly appointed hearing officer shall, by written Ruling, permit such bank or corporate fiduciary to intervene in a hearing proceeding, if:

- 1) the Board or its duly appointed hearing officer finds that the representation of the State bank's or corporate fiduciary's interest is or may be inadequate; and
 - 2) the intervention would not delay the proceeding or prejudice the parties.
- b) All Petitions for Intervention shall be in writing and shall be served upon every party and the Board or its duly appointed hearing officer not later than 10 days prior to the date of the hearing.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.160 Subpoenas

- a) Upon application to the Board or its duly appointed hearing officer by any party, the Board or its duly appointed hearing officer shall issue a subpoena for attendance of a witness having knowledge of relevant facts at a deposition or hearing and require the production of any relevant books, papers, accounts and documents in the course of and pursuant to any deposition or hearing under Section 48(7) of the Illinois Banking Act.
- b) Every subpoena shall state the title and docket number of the hearing and shall command each person to whom it is directed to:
- 1) give testimony;
 - 2) produce books, papers, accounts and documents at the time and place therein specified; or
 - 3) do both the actions specified in subsections (b)(1) and (2)

STATE BANKS BOARD OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

above.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.180 Evidence Depositions

Evidence depositions may be ordered by the Board or its duly appointed hearing officer upon a showing that, at the time of the hearing, the person deposed will not be available to participate in the hearing because of exceptional circumstances such as impending death, illness, imprisonment, or other hardship.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

Section 900.210 Record of Hearing Proceedings

- a) The Board or its duly appointed hearing officer shall appoint a licensed court reporter to make a stenographic transcript of all hearings.

- b) The record in a hearing shall include:

- 1) The items listed in Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].
- 2) The transcript of a hearing.

- c) The cost of any copy of the transcript requested by any party to the proceeding shall be borne by such party.

- d) The record shall be made available for examination by a party to the proceeding at the Commissioner's Springfield office (500 East Monroe Street, Springfield, Illinois 62701-1532) or Chicago office (310 S. Michigan Avenue, Suite 2130, Chicago, Illinois 60604-4278) during regular office hours.

(Source: Amended at 22 Ill. Reg. 14934, effective JUL 28 1998)

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Joint Rules of the Illinois Public Universities: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 525

<u>Section Numbers:</u>	<u>Emergency Action:</u>
525.10	Repealed
525.20	Repealed
525.50	Repealed
525.60	Repealed
525.70	Repealed
525.100	Repealed
525.110	Repealed
525.200	Repealed
525.300	Repealed
525.320	Repealed
525.330	Repealed
525.340	Repealed
525.350	Repealed
525.400	Repealed
525.410	Repealed
525.500	Repealed
525.510	Repealed
525.520	Repealed
525.530	Repealed
525.540	Repealed
525.600	Repealed
525.610	Repealed
525.620	Repealed
525.630	Repealed
525.640	Repealed
525.650	Repealed
525.660	Repealed
525.670	Repealed
525.700	Repealed
525.710	Repealed

4) Statutory Authority: Public Act 90-572 repeals the Illinois Purchasing Act [30 ILCS 505], the main law under which these rules were promulgated. Public Act 90-572 requires rulemaking to implement the new Illinois Procurement Code [30 ILCS 500].

5) Effective Date of Repeal: July 28, 1998

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable

7) Date Filed with the Index Department: July 28, 1998

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: There was not sufficient time to develop proposed rules through the normal rulemaking process and have the rules effective July 1, 1998, when the new Procurement Code took effect.

10) A Complete Description of the Subjects and Issues Involved: Repeal of Joint Rules of the Illinois Public Universities: Procurement and Bidding (44 Ill. Adm. Code 525).

11) Are there any proposed amendments to this Part Pending? Yes, an identical repealer is proposed at 22 Ill. Reg. 10814.

12) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any State mandate on units of local government, school districts or community college districts.

13) Information and questions regarding this repealer shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana IL 61801
217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

The full text of the emergency repealer begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: BOARDS OF TRUSTEES OF ILLINOIS PUBLIC
UNIVERSITIES

PART 525

JOINT RULES OF THE ILLINOIS PUBLIC UNIVERSITIES:
PROCUREMENT AND BIDDING (REPEALED)

SUBPART A: AUTHORITY AND DEFINITIONS

Section
525.5 Preamble (Repealed)
525.10 Authority
EMERGENCY
525.20 Definitions
EMERGENCY

SUBPART B: METHODS OF PROCUREMENT

Section
525.50 General
EMERGENCY
525.60 Procedures for Source Selection
EMERGENCY
525.70 How Competition is Solicited by the University
EMERGENCY

SUBPART C: ELIGIBILITY TO BID

Section
525.100 Bidders List for Contracts
EMERGENCY
525.110 Removal from Bidders List or Suspension
EMERGENCY
525.200 How Bids are Solicited by the University (Renumbered)
EMERGENCY

SUBPART D: SUBMISSION OF BIDS

Section
525.300 University Sealed Bid Form
EMERGENCY
525.310 Types of Bids (Repealed)
525.320 Contents of Bids
EMERGENCY
525.330 How to Submit Bids

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

EMERGENCY
525.340 Bid Security
EMERGENCY
525.350 Submission of Samples
EMERGENCY

SUBPART E: HANDLING OF BIDS

Section
525.400 Handling of Sealed Bids
EMERGENCY
525.410 Handling of Open Bids and Sealed Proposals
EMERGENCY

SUBPART F: AWARDING OF CONTRACTS

Section
525.500 Standards for Awarding Contracts
EMERGENCY
525.510 Rejection of Bids
EMERGENCY
525.520 Binding Contract with the University
EMERGENCY
525.530 Supplementary Purchases
EMERGENCY
525.540 Negotiation of Award
EMERGENCY

SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

Section
525.600 Performance and Payment Bond
EMERGENCY
525.610 Insurance Requirements
EMERGENCY
525.620 Deliveries Under the Contract
EMERGENCY
525.630 Inspection
EMERGENCY
525.640 Assignments by Successful Bidder
EMERGENCY
525.650 Cancellation of Contract by the University and Compensation for
Damages
EMERGENCY
525.660 Billing Procedures
EMERGENCY
525.670 Construction Contracts
EMERGENCY

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

SUBPART H: OTHER PROCEDURES

Section 525.700 Competitive Selection Procedures Not Required

EMERGENCY

525.710 Procedures for Appeal

EMERGENCY

525.720 Solicitations for Sale to the University (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified at 8 Ill. Reg. 19827; amended at 13 Ill. Reg. 16510, effective October 10, 1989; amended at 21 Ill. Reg. 9413, effective July 15, 1997; Part repealed by emergency rulemaking at 22 Ill. Reg. ~~14941~~ **14941**, effective July 28, 1998, for a maximum of 150 days.

SUBPART A: AUTHORITY AND DEFINITIONS

Section 525.10 Authority

EMERGENCY

This Part is promulgated by the following governing Boards of the State of Illinois: the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Western Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Illinois State University (hereinafter sometimes referred to individually as "University" and collectively as "State Universities") in accordance with the provisions of the Illinois Purchasing Act (the Act) [30 ILCS 505]. This Part may be amended in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].

Section 525.20 Definitions

EMERGENCY

Bid. "Bid" shall mean an offer to contract with the University.

Bid information. "Bid information" shall be the material or requirements supplied to prospective bidders by a University to enable them to bid on proposed University contracts.

Bidder. "Bidder" means any person who submits a bid for a contract with the University.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

Cash discount. "Cash discount" is a discount or an allowance deductible from the total amount of the invoice for payment within a specified number of days.

Contractor. "Contractor" shall mean a bidder whose bid has been accepted by the University.

F.O.B. "F.O.B." shall mean free on board.

Person. "Person" means and includes any individual, firm, partnership, corporation, association or other entity.

Purchasing official. "Purchasing official" means the person or persons to whom the governing Board of the respective University has delegated the authority to take the action specified.

Quantity discount. "Quantity discount" is a discount allowed by the bidder for specified quantities of the item.

Trade discount. "Trade discount" is a special discount allowed by the bidder to special classes of purchases.

University. "University" shall mean a governing Board identified in Section 525.10 of this Part, or its authorized representative, which issues bid information relating to a particular transaction.

SUBPART B: METHODS OF PROCUREMENT

Section 525.50 General

EMERGENCY

The principles of competitive and economical procurement practice shall apply to all purchases and contracts by or for the State Universities in Illinois, except as otherwise provided by law or this Part.

- a) A competitive procurement is one in which more than one potential vendor is contacted, given information describing the University's needs and any conditions that must be observed, and asked to respond with a priced quotation to meet those needs and conditions. Such information will be evaluated with the intent of selecting the vendor whose goods or services best meet the needs of the University, price and other factors being considered.
- b) Except for those procurements identified in Section 525.700 of this Part which are exempt from the use of competitive procurement procedures, awards are to be made to the lowest responsible bidder meeting needs and conditions.
- c) Any of the procedures described in Section 525.60 of this Part, except negotiation with one vendor, are examples of competitive procedures and may be used to conduct competitive procurements.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

Section 525.60 Procedures for Source Selection**EMERGENCY**

- a) Sealed Bids: Sealed bids must be in writing and will be opened publicly on a designated day and hour, except as otherwise provided herein.
- b) Open Bids: Open bids shall be made by the bidder in the manner specified in the bid information.
- c) Sealed Proposals: This method may be used when specifications do not provide a basis for an award based solely on price or when features are difficult to compare directly. Sealed proposals will be submitted in writing in the manner specified in the bid information and will be evaluated on the basis of specific criteria considering price and other factors.
- d) Negotiation: When a competitive procedure is not required by the Act or this Part and when it is determined that a negotiated procurement is more practicable or will result in advantage to the University, negotiations may be conducted with one or more vendors. (For example, a negotiated procurement is considered to be practicable when the purchasing official determines based upon knowledge of market conditions, that the time and expense required to conduct such negotiations will be economically advantageous in terms of the expenditure of time and University resources.) Award will be made to the vendor best meeting the University's needs.

Section 525.70 How Competition is Solicited by the University**EMERGENCY**

- a) Newspaper advertisements. The University shall advertise for sealed bids and sealed proposals in the official newspaper of the State of Illinois when purchasing services, commodities or equipment using competitive selection procedures. The advertisement will give full details as to where additional information can be obtained and the time and place of the bid opening.
- b) Bid information.
 - 1) When the University intends to purchase services, commodities or equipment, it will send out bid information to those persons who are on the appropriate bidders list and to any other persons identified to the purchasing official as a prospective bidder, except in the following cases.
 - A) When the bidder does not sell the particular service, commodity or equipment.
 - B) When competitive selection procedures are not required by the Act.
 - 2) The bid information will include:
 - A) Specifications or descriptions.
 - B) Quantity.
 - C) Any installation, maintenance or repair service to be

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

provided.

- D) Delivery requirements or date for completion of services.
 - E) Any other terms or conditions which the University may require bidders to meet.
- 3) Bid information normally will be mailed, except that, in unusual circumstances, it may be communicated by telephone or in electronically transmitted form. For example, unusual circumstances are those that would prevent a bidder from hand carrying or mailing the original copy of the bid information in time for it to be received prior to the bid opening deadline.
- SUBPART C: ELIGIBILITY TO BID
- Section 525.100 Bidders List for Contracts**
- EMERGENCY**
- a) How to apply to be placed on bidders list. Bidders lists are maintained for various service, commodity and equipment classifications. To be included on a bidders list, a person should submit a request to the purchasing official indicating the types of services, commodities or equipment for which bid information is requested.
 - b) Application to be filled out.
 - 1) An applicant will be required to provide information concerning its form of organization and bank references, and may be required to provide sources of supply or other information to determine its responsibility and capability. An applicant may be required to furnish this information depending upon the type of purchase and amount of information already available as to the capabilities and responsibility of the firm in question. The current Illinois Department of Human Rights (DHR) identification number is to be provided, as well as the Taxpayers Identification Number (TIN), also known as the Federal Employer Identification Number (FEIN), or Social Security Number.
 - 2) The applicant must disclose in its application the name of each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 15% in the bidding enterprise and, if the applicant is a corporation, the names of all its officers and directors. The applicant shall notify the University of any changes in its ownership or officers at the time the change occurs.
 - 3) Applicants who are minorities, females, or persons with disabilities are encouraged to identify their status for certification purposes under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.
 - c) Addition of name to list. Upon submission to the purchasing official of a completed application, the applicant's name may be placed on the

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

active bidders list for the service, commodity or equipment classification requested. The purchasing official will give specific reasons for any applications which are not accepted. Bid information will be sent to those persons appearing on the bidders list. The sending of such information does not constitute a final or conclusive determination as to the responsibility and capability of such bidder. The bidder's qualifications and responsibility will be subject to continuous review.

Section 525.110 Removal from Bidders List or Suspension**EMERGENCY**

- a) Removal from bidders list or suspension. The University may remove any bidder from a bidders list or suspend the bidder from bidding for a specified period of time, not to exceed one year. The bidder will be given due notice of such removal or suspension action and the reasons therefore. Appeal procedures are specified in Section 525.710 of this Part.
- b) Cause for removal or suspension. The following, without excluding others of like or different nature, shall be sufficient grounds for such removal or suspension:
 - 1) Delivery of commodities, equipment or services which do not comply with the specifications.
 - 2) Failure to make delivery or to complete a construction project in the time specified in the contract or purchase order.
 - 3) Failure to keep offer firm for length of time specified.
 - 4) Failure to provide any required performance or payment bonds.
 - 5) Collusion with other bidders or prospective bidders.
 - 6) Bankruptcy or other evidence of lack of responsibility.
 - 7) Failure to perform in accordance with an award.
 - 8) Failure to make equitable adjustments or replacement of damaged goods.
 - 9) Failure to honor warranties or guarantees.
 - 10) Giving false or misleading information.
 - 11) Any action constituting violation of State of Illinois or Federal laws or regulations, including noncompliance with the Illinois Human Rights Act [775 ILCS 5] or with Department of Human Rights rules for public contracts (44 Ill. Adm Code 750).
 - 12) Two consecutive failures to respond (either with a bid or an indication of "no bid") to bid information.
 - 13) Determination of insufficient financial capability to perform a contract or any other facts causing substantial doubt as to whether the bidder can be relied upon to fulfill obligations under any contract awarded. For example, one standard is the ability of the vendor to provide specified financial documents such as insurance, performance bond, and payment bond all in the full amount of the contract.
 - 14) Any other violation of this Part.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- c) Reinstatement. After receipt of a notice of removal or suspension, a bidder may submit in writing an explanation of the circumstances which were the cause of the removal or suspension and prove that such circumstances have been corrected. On the basis of such proof, the University may modify or rescind the removal or suspension.

Section 525.200 How Bids are Solicited by the University (Renumbered)
EMERGENCY

SUBPART D: SUBMISSION OF BIDS

Section 525.300 University Sealed Bid Form**EMERGENCY**

- a) Uniformity. When a sealed bid is required by the bid information to provide uniformity and to facilitate comparison of bids by the University, the bidders and interested members of the public, only bids submitted on the sealed bid form specified by the University will be acceptable. The University reserves the right to waive minor variances or irregularities.
- b) Use of typewriter or ink. Every sealed bid should be typewritten or written in ink. The bid must be signed by the person submitting the bid or the person's duly authorized agent. The signature should be in ink and the name and title of each person signing the bid should be typed or printed below the signature.
- c) Bids by telephone or in electronically transmitted form. The University may agree to receive bids by telephone or in electronically transmitted form. Written confirmation of the sealed bid shall be mailed or delivered by the bidder on the same day.

Section 525.320 Contents of Bids**EMERGENCY**

- a) Completeness of Bids. The bid will include all matters required by the bid information. All appropriate blanks in the bid form must be completed by the bidder.
- b) Reference specifications. Any specifications or standards adopted by business, industry, not-for-profit organization, or governmental unit may be incorporated by reference.
- c) Brand name or equal. Specifications may refer to one or more brand name products followed by the words "or equal." "Or equal" submissions will not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the product for its intended use. The burden of proof that the product is equal for the intended use is on the bidder.
- d) Brand name only. Brand name alone may be specified in order to fill medical prescription needs or to stock University retail-type operations.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- e) Items must be new and current. Unless otherwise specified, the items offered must all be new and the latest model, crop or manufacture.
- f) Bids on alternate items. When any bidder offers an alternate item for consideration, the bidder will give complete specifications, name the brand and demonstrate that the alternate item is equal. The University reserves the right to reject any alternate item which it determines is not equally suitable for the specified purpose. The burden of proof is on the bidder.
- g) Unit and total prices. The price for the units specified in the bid shall be clearly shown for each individual item. Only one unit price shall be quoted for each item. The total price for the quantity requested must also be shown.
- h) Period of firm bid. Unless otherwise provided in the bid information, the price of each bid must be kept firm for at least 60 days after the bid opening date. A bidder may specify the price will remain firm for a longer period than required by the bid information or this rule. If the bidder has not specified an expiration date for the price, the price will continue to remain firm until the bidder gives notice of intent to terminate the price. After such notice the University will have 10 days to accept the bid at the original bid price.
- i) Maintenance and repair service. If the bid information specifies that maintenance or repair service must be provided by the successful bidder, each bidder will specify in the bid whether the service will be provided by the bidder or through an arrangement with another identified person or firm.
- j) Taxes, licenses, assessments, and royalties.
- 1) The contractor shall pay all current and applicable city, county, state and federal taxes, licenses or assessments, including federal excise taxes, due on the performance of the contract, including, without thereby limiting the foregoing, those required by the Federal Insurance Contribution Act and the Federal and State Unemployment Tax Acts, together with all royalties due for any proprietary items. The contractor is exclusively liable for the payment of the taxes to the respective governments. In the event said taxes, licenses, assessments or royalties, or any part thereof are in the first instance charged to the University, the contractor shall, upon timely demand of the University, pay the University the amount thereof, plus all penalties which may have accrued thereon.
 - 2) The University is exempted by Section 3 of the Use Tax Act [35 ILCS 105/3] from paying any of the taxes imposed by that Act, and sales to the University are exempt by Section 2 of the Retailers' Occupation Tax Act [35 ILCS 120/2] from any of the taxes imposed by that Act. The Department of Revenue of the State of Illinois under Rule No. 15, issued August 9, 1961, has declared that sales of materials to construction contractors for conversion into real estate for schools or charities are not taxable retail sales. The purchasing official will furnish the vendor with an exemption

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- certification statement upon request.
- k) Federal excise tax. Bidders must not include in their prices any allowance for payment of federal excise tax, if the University is exempt from such taxes. If an order or contract is awarded for the purchase of an item that is subject to federal excise tax, the purchasing official will furnish the vendor with an exemption certificate upon request.
- 1) State and federal laws and university rules. All bids and contracts are subject to this Part and to applicable federal laws and those of the State of Illinois, particularly the Illinois Purchasing Act, conflict of interest statutes, nondiscriminatory employment statutes and equal employment opportunity laws. A certification is required in certain instances, and the form of this certification may be provided in the bid form. (See also subsection (p) of this Section.)
 - m) Equal employment opportunity. A successful bidder awarded an order or contract agrees as follows. In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights (Department), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulations. During the performance of this contract, the contractor agrees as follows:
 - 1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, military status, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are under utilized and will take appropriate affirmative action to rectify any such under utilization.
 - 2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with 44 Ill. Adm. Code 750.150) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not under utilized.
 - 3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, military status, or an unfavorable discharge from military service.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- 4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and 44 Ill. Adm. Code 750.150, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- 5) That it will submit reports as required by 44 Ill. Adm. Code 750.150, furnish all relevant information as may from time to time be requested by the Department and the contracting agency, and in all respects comply with the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150.
- 6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and 44 Ill. Adm. Code 750.150.
- 7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.
- n) Compliance with laws, regulations, and labor and employment provisions. The contractor agrees to comply with all laws, statutes, regulations, ordinances, ruling or enactments of any governmental authority that are applicable to the work or which in any way pertain to the project, including, but not limited to, the following statutes:
- 1) Employment of Illinois Workers on Public Works Act [30 ILCS 570].
 - 2) Veterans Preference Act [330 ILCS 55].
 - 3) Public Works Employment Discrimination Act [775 ILCS 10].
 - 4) Prevailing Wage Act [820 ILCS 130].
- o) Federally financed purchases. For purchases financed in whole or in part by United States Government funds, the contractor and each subcontractor shall comply with the following statutes (and with regulations issued pursuant thereto, which are incorporated herein by

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

reference):

- 1) 18 U.S.C. 874 Prohibition of kickback from public works employees.
- 2) 40 U.S.C. 276(c) Requiring filing of weekly statements of wages paid.
- 3) By signing and submitting its bid, the bidder will be deemed to have signed and agreed to the provisions of the Certification of Nonsegregated Facilities, and certification of compliance with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682, 1683, and 1685).
- 4) Copeland Regulations 29 CFR 3.
- 5) Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 requiring affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era (38 U.S.C. 4212).
- 6) Section 503 of the Rehabilitation Act of 1973 requiring affirmative action to employ and advance in employment qualified handicapped individuals (29 U.S.C. 793).
- 7) Federal Executive Orders 11246 and 11375 requiring affirmative action and equal opportunity in employment for all persons without regard to race, color, religion, sex or national origin.
- p) Provisions required by law deemed inserted. Each and every provision of law and clause required by law to be inserted in any order or contract shall be deemed to be inserted therein; and the order or contract shall be read and enforced as though it were included therein; and if, through mistake or otherwise, any such provision is not inserted or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

Section 525.330 How to Submit Bids

EMERGENCY

- a) Special envelope for sealed bids. A special envelope will be furnished for return of a sealed bid. The envelope containing the bid will show the following information on the outside:
 - 1) Address to which the bid is to be mailed or delivered.
 - 2) Date and time of the bid opening.
 - 3) Requisition or bid number or other project identification.
 - 4) Firm name and address of bidder.
- b) Where to submit bids. All bids must be submitted to the office at the address specified in the bid information.
- c) When to submit bids. Bid information will state the place, date and hour of opening of bids and the latest date for receipt of bids by the purchasing official.
- d) Modification or withdrawal of bids. A bidder may withdraw or modify a bid if notice of the withdrawal or modification is received by the purchasing official before the latest time specified for receipt of

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

bids. Any such modification or withdrawal, however, must be made by letter and received by the purchasing official prior to the scheduled bid opening. When time is of the essence, the purchasing official may agree to receive modifications or withdrawals by printed form conveyed electronically or by telephone. An originally signed ^{written} confirmation of the telephone or electronically conveyed modification or withdrawal shall be mailed or delivered by the bidder on the same day. Withdrawal of bids after bid opening will not ordinarily be permitted; however, in those cases where, in the judgment of the University based on clear and demonstrable evidence, the bidder has made a bona fide error in the preparation of the bid and such error will result in a substantial loss to the bidder, an exception may be made.

- e) Late bids. No bids received after the time specified in the bid information will be considered. It is the bidder's responsibility to see that the bid is delivered at the time and place specified. All bids received after the specified time will be marked "Received too late for consideration", signed by the purchasing official and returned unopened.
- f) Eligibility of bidders. No person shall be eligible to bid on a contract, except for those procurements exempt from competitive selection procedures identified in Section 525.700 of this Part, unless such person has complied with the rules of the Illinois Department of Human Rights concerning eligibility of bidders.
- g) Bid reservations. The University reserves the right to reject any or all bids or any part thereof, to waive informalities and to accept the bids deemed to be in the best interest of the University (such as, the lowest priced responsive bid).

Section 525.340 Bid Security

EMERGENCY

- a) Bid deposit. The bid information may require each bidder to file a bid deposit, the amount of which will not ordinarily exceed 5% of the bid amount, in the form of a certified check, bank draft or cashier's check, made payable to the governing Board of the University. A bid bond will be acceptable in lieu of the foregoing, if so specified in the bid information.
- b) Retention or use of bid deposit. The bid deposit will be considered as security for full performance of all obligations imposed on the bidder, under the law and this part, including the obligation to keep the price or bid firm for as long a period as specified in the bid information, and the obligation to file a performance and/or payment bonds, if required, when a contract is awarded. If the bidder fails to perform any such obligations, the University will negotiate the bid deposit and retain from the proceeds thereof an amount sufficient to compensate it for damages suffered. The University may retain the bid deposit as liquidated damages if the bid information so specifies.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- c) Disposition of bid deposit. If a bidder is not one of the three lowest qualified bidders, the bid deposit will be returned to the bidder as soon as is practicable after the bid opening. The three lowest qualified bidders' deposits will be returned as soon as possible after the contract is awarded or, if a performance and/or payment bond is required, as soon as the successful bidder has filed an acceptable bond.

Section 525.350 Submission of Samples

EMERGENCY

- a) How to submit samples. Any samples called for in the bid information should be addressed and submitted as instructed. Each sample must be labeled clearly with the bidder's name, address, bid information number and a brief description of the contents. Samples may be required even if there is no such requirement in the bid information (e.g. if a particular bidder is offering a product with which the University is not familiar). All transportation, packing and crating charges must be paid by the bidder, except where otherwise stated in the bid information.
- b) Representative sample. All samples submitted must be representative of the commodities or equipment which will be delivered if a contract is awarded. Samples submitted by successful bidders will be retained for use in checking items delivered under the contract, but the submission of samples shall not limit the right of the University to insist that commodities or equipment delivered must also meet the specifications of the bid information.
- c) Disposition of samples. Unless otherwise specified in the bid information, no payment will be made for samples. However, samples not destroyed by examination or testing will be returned to bidders (if so requested when samples are submitted by marking sample "please return sample"), at the bidder's expense.
- d) Liability for samples and demonstration equipment.
 - 1) The University shall not be held liable for other commodity samples or demonstration equipment. Receipt of commodities or demonstration equipment for tests and evaluation purposes shall not affect the University's right to evaluate other bid proposals or to award a purchase order or contract to another bidder.
 - 2) When demonstration equipment is being delivered to or installed on University premises, the contractor shall maintain adequate workers' compensation insurance and liability coverage for personal injury or property damage which shall be subject to approval by the University.

SUBPART E: HANDLING OF BIDS

Section 525.400 Handling of Sealed Bids

EMERGENCY

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- a) Formal bid opening. All sealed bids will be opened, the bids read aloud and names of the bidders recorded at the place and time specified. The bid opening will be conducted by the Purchasing official or designated representatives.
- b) Bidders may be present. The bidder or representative or any other interested party may be present at any bid opening.
- c) Bid speaks for itself. If the person reading the bid makes an error, the figure given in the bid shall govern.
- d) Recording of bids. When all bids have been opened and read, the persons conducting the bid opening will sign the following certification: "I hereby certify that the bids submitted by the bidders whose names are recorded above were opened, read and recorded at the place and time specified in the bid information."
- e) Prompt tabulation and award. All sealed bids are tabulated for comparison and awards made as soon as is practicable after the opening and recording of the bids.
- f) Public record of sealed bids. The record of bidders' names prepared at the bid opening and all the bids and tabulation sheets will be kept by the University for a period of not less than two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

Section 525.410 Handling of Open Bids and Sealed Proposals**EMERGENCY**

Open bids and sealed proposals will be examined and the award made as soon as is practicable after the time specified for submission of the bids and sealed proposals. All bids, proposals, and tabulation sheets (if any) will be kept by the University for at least two years after the award is made and will be available for inspection after an award is made at reasonable hours by any interested person.

SUBPART F: AWARDING OF CONTRACTS

Section 525.500 Standards for Awarding Contracts**EMERGENCY**

- a) Lowest and best bid. The awards will be made to the lowest bidder, considering price, responsibility and capability of bidder, availability of funds and all other relevant factors, provided the bid meets the specifications and other requirements of the bid information. The standards followed in determining which is the lowest and best bid are outlined below.
- b) Cash discounts. In determining the lowest bid, cash discounts, when stated separately, will be taken into account, unless stated otherwise in the bid information.
- c) Trade and quantity discounts. Trade and quantity discounts may be indicated, but should always be deducted by the bidder in calculating

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- the unit price quoted.
- d) Illinois sales, service and use tax. Bidder should not include Retailers' Occupation Tax, Use Tax or Federal Tax in the quotation. Receipts from sales to the University are normally exempt from these taxes.
 - e) Unit price governs. In case of a mistake in the extension of a price, the unit price will govern unless otherwise stated in the bid information.
 - f) Awards of any or all items. An award may be made to the lowest aggregate bidder for all items or on an individual item basis unless otherwise stated in the bid information. If a split award is not acceptable to a bidder, it must be so stated in the bid.
 - g) Costs. Projected delivery, installation, and operational costs of equipment may be considered.
 - h) Guarantees and warranties. Terms and conditions of bidders' and manufacturers' guarantees and warranties will be considered in the evaluation of bids.
 - i) An otherwise qualified bidder who will fulfill the contract through the use of products made of recycled materials may be given, on a pilot basis or pursuant to a pilot study, preference over other contractors unable to do so, provided that the cost included in the proposal of products made of recycled materials is not more than 10% greater than the cost of such products not made of recycled materials.
 - j) Repair and service requirements. The bidder's or manufacturer's ability to meet specified repair and service requirements may be used in evaluating bids.
 - k) Tie bids. If two or more bids meeting the specifications and other requirements of the bid information are tied for low price, the bids will be treated as follows:
 - 1) If there is a significant difference in the responsibility of the bidders (including ability to deliver in the quantity and at the time required), the award will be made to the bidder who is deemed to be the most responsible.
 - 2) If there is no significant difference in the responsibility of the bidders, but there is a difference in the quality of the commodities or services offered, the bid offering the best quality or services will be accepted.
 - 3) If there is no significant difference in the responsibility of the bidders and no difference in the quality of the items and service offered, the bid offering the earliest delivery time will be accepted in any case in which the bid information specified that the needs of the University require as early delivery as possible. In all other cases, delivery time will not be considered in making awards so long as the bidder states delivery will occur not later than the time specified in the bid information as the latest acceptable delivery time.
 - 4) If all else is equal, preference will be given to resident bidders, as defined in subsection (1) below. Preference among

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

resident bidders may be given to the resident bidders offering commodities or equipment grown or produced in Illinois.

- 5) If the bids quoting the same price are equal in every respect, the award may be split or made by lot.

- 1) Resident bidder.

1) When a public contract is to be awarded to the lowest responsible bidder, a resident bidder must be allowed a preference as against a nonresident bidder from any state which gives or requires a preference to bidders from that state. The preference is to be equal to the preference given or required by the state of the nonresident bidder.

- 2) "Resident bidder" means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State which has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

- 3) Subsections (1)(1) and (2) above do not apply to any contract for any project for which Federal funds are available for expenditure when such paragraphs may be in conflict with Federal law or Federal regulation.

- m) Ownership. The bidder for a contract involving an expenditure subject to competitive selection procedures, except for those categories exempted from competition under Section 525.700 of this Part, shall file or have on file with the University a disclosure statement naming each individual having a beneficial interest of more than 7 1/2% in the bidding enterprise and each individual who, together with his spouse or minor children, has a beneficial interest of more than 1% in the bidding enterprise and, if the bidder is a corporation, the names of all of its officers and directors, in compliance with Section 6-1 of the Act.

- n) Contract renewal option. Certain bids may be solicited and contracts issued with renewal clauses to bind the contractor to a renewal period at the sole option of the University. In such cases, bidders will be asked to bid a firm price to be applicable during the renewal period, if the University chooses to renew, or, in the alternative, to bid prices geared to pertinent commodity price indexes to be applicable in renewal periods, if the University chooses to renew. In all cases where the renewal option is involved, the bid information will state that the University reserves the right to renew the contract, if awarded, in accord with prices (firm or geared to pertinent price indexes) included in bids received and that renewal on such terms is at its sole option.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

Section 525.510 Rejection of Bids

EMERGENCY

- a) Nonresponsive bids. Any bid which does not meet the requirements of the bid information or does not comply with this Part may be rejected.
- b) Alterations and erasures. Bids containing any material alteration or erasure may be rejected, unless the change is initialed by the bidder.
- c) Responsibility of the bidder.

1) The purchasing official may at any time make a supplementary investigation as to the responsibility or qualification of any bidder, even though the bidder is on a bidders list. This may include investigation of financial responsibility, insurability, effective equal opportunity compliance, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service and other matters relating to the bidder's probable ability to deliver in the quality, quantity and within the time required under the contract, if it is awarded to the bidder. The purchasing official may require the submission of written statements from the bidder or other persons concerning any such matters.

- 2) If the University concludes that a particular bidder appears not to be sufficiently responsible to assure adequate performance on a contract, the bid will be rejected.

3) If, in the judgment of the University, there is some question about the responsibility of the low bidder but the University would be adequately protected by the filing of a performance or payment bonds or both (or the deposit of a certified or cashier's check, if approved by the University) as security for performance, it may require the low bidder to file such bonds (or deposit such a check), even though not required by the bid information, and, upon the filing of the bond (or deposit of the check), may make the award. Such bond(s) shall be filed within a specified number of days.

- d) Conflicts of interest. Any bid, the acceptance of which would result in any of the following prohibited types of contracts, will be subject to rejection.

1) It is unlawful for any member of the General Assembly to be interested, directly or indirectly, in any State contract authorized by any law (including any appropriations statute) passed during the term for which the member was elected, provided, however, that any contract made prior to the knowledge election and completed within six months after the member takes office is valid.

- 2) The laws of the State of Illinois provided that no elective State officer or member of the General Assembly or any person employed in any of the offices of the State Government or the wife, husband or minor child of any such person shall have, acquire,

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

obtain or hold any contract which will be wholly or partly satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois, nor shall any such person have, acquire, obtain or hold any direct pecuniary interest in any such contract.

3) In addition, the laws of the State of Illinois provide that it is unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above shall be entitled by contract, stock ownership or otherwise to receive more than 7 1/2% of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

4) In addition, the laws of the State of Illinois provide that it shall be unlawful for any firm, partnership, association or corporation from which any such person as described in subsection (d)(2) above, together with his or her wife or husband or minor child or children, or any of them shall by contract, stock ownership or otherwise be entitled to receive, in the aggregate, more than 15% of the total distributable income thereof, to have, acquire, obtain or hold any such contract or direct pecuniary interest therein.

5) In the examples listed under subsections (d)(1) through (4) above, the Governor may exempt named individuals as provided by Section 11.5 of the Illinois Purchasing Act [30 ILCS 505/11.5].

6) No member of the University's governing Board shall be directly or indirectly interested in any contract to be made by the Board for any purposes whatsoever.

7) No contract will be awarded to a University officer or employee or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are officers or employees of the University, unless such purchase or contract is deemed essential to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract.

8) No contract will be awarded to a member of the immediate family of an officer or employee of the University or to a firm, partnership, association or corporation the owner or principal owners or major officers or primary employees of which are members of the immediate family of officers or employees of the University, unless such purchase or contract is deemed beneficial to University operations and is approved by the President of the University (or designee) and such approval is filed with the purchase order or contract. Such contracts will be deemed beneficial to the University when necessary to the operational or academic or research needs of the University and only when economically procurable from the individual or firm in question.

e)

Attempt to influence award.

1) No person on a bidders list or who submits a bid shall give or

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

offer to give, directly or indirectly, any money, article or other valuable consideration to any officer or employee of the University for the purpose of influencing said officer or employee of the University.

2) If any person makes or offers to make a gift such as prohibited by subsection (e)(1) above, all bids submitted by the bidder will be rejected, and the bidder will be barred from further bidding for a period of time fixed by the University, not to exceed one year.

f) Collusive bids. If, in the judgment of the University, there is reasonable ground to believe that there is an agreement among bidders, or between them and prospective bidders, to restrain the bidding by establishing a fixed price or any other means, the bids will be rejected, and the bidder and prospective bidders will be barred from further bidding for a period of time not to exceed one year.

g) Identical bids. Two or more identical bids or indications of collusion in bidding shall be reported to the Illinois Attorney General.

h) Rejection of all bids. The University may reject all bids, and a notice shall be sent to all bidders by means of resolicitation of bids or to low bidder if there is to be no rebidding.

Section 525.520 Binding Contract with the University

EMERGENCY

a) Purchase order. After the lowest and best bid has been accepted by the University, the purchasing official will send the successful bidder a purchase order or a formal contract or both.

b) Binding on bidder.

1) The University's acceptance of a bidder's offer will create a binding contract covering the following:

A) All the specifications, terms and conditions in the bid information.

B) The provisions of this Part.

C) The bidder's price and terms of payment.

2) The successful bidder must perform in accordance with contract so made, or the bidder will be liable to the University for any damages.

Section 525.530 Supplementary Purchases

EMERGENCY

Supplementary purchases will be permitted under the following conditions:

a) When the University issues an award after following the above bidding procedure, it may, at any time within ninety days thereafter, issue additional purchase orders or contracts to the same contractor or amendments to the original purchase order or contract for an additional quantity at the same unit price and on the same terms and

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

conditions, if:

- 1) The contractor indicates that the additional purchase orders or contracts will be accepted if issued.
- 2) The market price of the commodities, services or equipment in question has not gone down since the original purchase.
- 3) The amount of the additional purchases is not of such magnitude as to constitute a substantial or material variation from the first purchase order or contract.
- b) Notwithstanding the above, no amount of funds, in addition to those provided for in a contract for repairs, maintenance, remodeling, renovation or construction, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentages of the original contract amount as provided in Section 9.02 of the Illinois Purchasing Act unless they have received the prior written approval of the Capital Development Board.

Section 525.540 Negotiation of Award

EMERGENCY

The University may negotiate with the successful bidder incorporating prices, terms, and conditions better than originally bid provided the salient features of the goods or services are not diminished. Examples of standards and circumstances which the University may use to negotiate include, but are not limited to, when prices, terms or conditions from the low responsive and responsible bidder are better than those provided in the original bid, such as split deliveries, temporary storage of shipment, improved payment terms and change in delivery site.

SUBPART G: PERFORMANCE BY SUCCESSFUL BIDDER

Section 525.600 Performance and Payment Bond

EMERGENCY

- a) May be required. The University shall have the right to require that the successful bidder file a Performance Bond or Payment Bond or both in a designated amount and written by a surety company acceptable to the University. It may be required that the bonds be filed within a specified number of days after the award is made, or the contract shall be cancelled and the contractor shall be liable for any damages. Bond costs shall be borne by the successful bidder, unless otherwise stated in the bid information.
- b) Amount. Such Performance and Payment Bonds may be required in any amount up to 100% of the amount of the contract, depending upon the nature of the transaction.
- c) Surety required. In addition to signing the bonds as principal, the

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

successful bidder must have the bonds signed by a surety having a rating acceptable to the University, and authorized to do business in the State of Illinois. If the surety writing the bonds has its authority to do business in this State revoked or if for any reason it withdraws from doing business in this State, the bidder must promptly furnish substitute bond(s) written by a surety acceptable to the University.

- d) Condition of bond. Any such bond shall be conditioned on full performance of all obligations imposed on the bidder by the contract with the University. The bond(s) shall provide that, if the bidder fails to perform any of such obligations the University may recover from the bidder and the surety (or either of them) any and all damages suffered because of the breach of contract or failure to perform in accordance with the terms of the contract.
- e) Source of supply may also be required to file bonds. If the bidder does not have a stock of the commodity or equipment in question in the amount required or the facilities to produce the item in such amount, the University may, in addition, require the bidder to have the source of supply furnish a performance or payment Bond, or both written by a surety acceptable to the University, conditioned on such source supplying the bidder as required in the bid.

Section 525.610 Insurance Requirements

EMERGENCY

Contractors making deliveries on the premises of the University may be required to furnish Certificates of Insurance showing policy numbers and coverage dates for Workers' Compensation, General Liability and Automobile Liability Coverages. Contractors furnishing labor and material at any campus site will be required to submit Certificates of Insurance showing policy numbers and coverage dates for General Liability and Contractual Liability holding the University harmless, as well as proof of Workers' Compensation and Automobile Liability Coverages. Liability limits will be specified in the bid information. Insurance companies providing coverage must have a rating acceptable to the University.

Section 525.620 Deliveries Under the Contract

EMERGENCY

- a) After award of order. Deliveries shall be made in accordance with the written order of the University or as stated in the contract at the times and places and in the amounts specified in the bid information and in such order for delivery. Receipt of any early or late deliveries shall not constitute a waiver of any of the rights of the University under the contract. Deliveries before or after the specified date may be made only with the prior approval of the purchasing official. The purchasing official may reject unapproved early or late deliveries.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- b) Delivery point. All deliveries shall be made to the point or points specified in the bid information, purchase order or contract and shall be F.O.B. delivered unless otherwise specified in the bid information.
- c) Supporting data. Pertinent data shall be included with all shipments to insure proper identification, receipt, handling, inspection, installation and use of the commodity or equipment.
- d) Routing of shipments. The purchasing official reserves the right to route all shipments.

Section 525.630 Inspection**EMERGENCY**

- a) All deliveries subject to inspection. Any commodities or equipment that fails to perform in any respect, including failure:
- 1) to meet the specifications,
 - 2) to conform to the vendor's samples, or
 - 3) to be in good condition when delivered,
- will be subject to rejection.
- b) Notice to contractor. Notice of any such rejection based on defects that should be disclosed by ordinary methods of inspection will be given to the contractor within a reasonable time after delivery of the item. Notice of latent defects which would make the items unsuitable for the purpose for which they are required may be given by the purchasing official within a reasonable time after discovery.
- c) Contractor must remove rejected items. The contractor may be required to remove immediately, at its own expense, any items rejected by the University. If the contractor fails to remove the items, the University, at its option, may remove and store the items at contractor's expense or may sell them and remit the proceeds of the sale (less any expenses incurred as a result of default) to the contractor.
- d) Inspection at source. In some cases, the University may require that the contractor permit preliminary inspection of the commodities or equipment at the factory, plant or other establishment where they are produced or grown.
- e) Other rights of University. Nothing contained herein shall be construed to limit in any way rights the University may have under any law, including the Uniform Commercial Code [810 ILCS 5], applicable to any transaction covered by this Part.

Section 525.640 Assignments by Successful Bidder**EMERGENCY**

Contract nonassignable without approval. Because the responsibility of the individual bidder is an essential element of the contract with the University, a person to whom such a contract has been awarded may not assign any interest in the contract, or any funds becoming due thereunder, without the prior consent in writing from the University. Any purported assignment without prior

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

written consent shall be null and void.

Section 525.650 Cancellation of Contract by the University and Compensation for Damages**EMERGENCY**

- a) Cancellation for breach of contract. In any of the following cases, the University shall have the right to cancel any contract without prejudice to any other right or remedy the University may have:
- 1) If the successful bidder fails, within the time specified, to sign a contract or to furnish required performance or other bonds.
 - 2) If the contractor fails to make delivery at the place or within the time specified.
 - 3) If any commodity or equipment delivered under the contract is rejected, even though the contractor offers to replace the items promptly.
 - 4) If the contractor is guilty of misrepresentation.
 - 5) If the contractor is adjudged bankrupt, if it makes a general assignment for the benefit of creditors, or if a receiver is appointed on account of its insolvency.
 - 6) If the contractor refuses or fails, except in cases for which an extension of time is provided, to supply enough properly skilled workmen or proper materials.
 - 7) If the contractor fails to make prompt payment to subcontractors or for material or labor.
 - 8) If the contractor violates any provision of the contract, purchase order or this Part.
 - 9) If the contract was obtained by fraud, collusion, conspiracy or other unlawful means.
 - 10) If the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
- b) Withholding monies to compensate University for damages. If there is a breach of contract or if a contract is cancelled, the University may deduct from a bid deposit or from whatever is owed the contractor on that or any other contract an amount sufficient to compensate the University for any damages suffered by it because of the contractor's breach of contract or other failure on its part, without prejudice to any other right or remedy the University may have.
- c) Damages. The damages for which the University may be compensated as provided in subsection (b) above or by a suit on the contractor's performance bond or by other legal remedy shall include among others:
- 1) The additional cost of commodities or equipment bought elsewhere.
 - 2) The additional cost of completing the work called for under the contract.
 - 3) Cost of repeating the bidding procedure.
 - 4) Any expenses incurred because of delay in receipt of commodities or equipment, or any expenses incurred because of delays in

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- completion of construction, renovation or rehabilitation work.
- 5) Any other damages caused by the breach of contract or other failure by the contractor including but not limited to loss of income and consequential damages.

Section 525.660 Billing Procedures**EMERGENCY**

- a) Billing Documents. To bill the University in connection with a purchase, the contractor may be required to fill out the invoice-voucher form provided by the University. At the time the contractor delivers the commodities or equipment, the contractor should submit copies as directed on the invoice-voucher. The contractor will receive a copy as indicated on the invoice-voucher. Otherwise, the contractor should submit invoices as specified on the purchase order or contract.
- b) Detailed description of commodities or equipment. The invoice or invoice-voucher should give a complete and detailed description of the commodities or equipment delivered.
- c) Partial payments. If more than one shipment is required under a purchase order or contract, the University may, but shall not be required to, make partial payment of the contract price as it receives the contractor's invoice or invoice-vouchers relating to the separate deliveries.
- d) Computation of cash discounts. If the contractor allows a cash discount, the period of time in which the University must make payment to qualify for the discounts will be computed from the date the University
- 1) receives the invoice or invoice-voucher (correctly filled out) or
 - 2) receives and accepts the commodities or equipment, whichever is later. In addition, if any commodity or equipment is rejected, all time from mailing of the notice of rejection to the acceptance of items delivered shall be excluded from the discount period.

Section 525.670 Construction Contracts**EMERGENCY**

- a) General procedures.
- 1) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of such work exceeds the amount stipulated by Section 6(a)(1) of the Illinois Purchasing Act [30 ILCS 505/6(a)-(1)], prospective bidders, as well as architects and engineers employed in connection with such projects, may be prequalified to determine their responsibility (for architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

Act [30 ILCS 535]). If the total estimated cost of such work exceeds the amount stipulated by Section 6(a)-(1) of the Illinois Purchasing Act, separate specifications shall be prepared for all equipment, labor and materials in connection with the following five subdivisions of work to be performed:

- A) Plumbing.
- B) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of such systems.
- C) Ventilating and distribution systems for conditioned air, including the testing and balancing of such systems.
- D) Electrical wiring.
- E) General Contract Work

- 2) Those specifications shall be drawn so as to permit separate and independent competitive bidding upon each of the above five subdivisions of work. As used in this Section, "competitive bidding" means bidding in which bids are publicly solicited and opened, the terms and conditions of the solicitation and the bidding process apply equally to all bidders, and bids are awarded to the lowest responsive responsible bidder. All contracts awarded for any part thereof shall award the five subdivisions of such work separately to responsible and reliable persons, firms or corporations engaged in these classes of work. Such contracts, at the discretion of the University, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the University prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five subdivisions of such work upon compliance with the conditions of the contract. Any contract may be let for one or more buildings in any project to the same contractor. Specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications.

- b) Request for payment form furnished by University. To bill the University for remodeling, renovation or construction work done, the contractor must fill out the University Request for Payment form, when required.
- c) Certification by licensed architect or engineer. Any contract or remodeling, renovation or construction involving an expenditure in excess of the amount stipulated by Section 9 of the Illinois Purchasing Act [30 ILCS 505/9] shall be subject to the supervision of a licensed architect or engineer, and no payment shall be paid for such remodeling, renovation or construction unless the voucher for such work is accompanied by a written certificate of such licensed architect or engineer that the payment represents work satisfactorily

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- completed, or labor, or materials incorporated in or stored at the site of such work.
- d) Periodic payments. When provided in the contract, periodic payments can be made during the course of such work upon a certificate of a licensed architect or engineer, indicating the proportionate amount of the total work completed satisfactorily.
 - e) Retained percentage. When periodic payments are made, the University shall retain a fixed percentage, specified in the contract, to insure faithful completion of the contract.
 - f) Improvements to leased real estate. The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the University.

SUBPART H: OTHER PROCEDURES

Section 525.700 Competitive Selection Procedures not Required
EMERGENCY

In the following cases, the University may issue a purchase order directly, without following the competitive selection procedures described in Sections 525.50 and 525.60 of this Part:

- a) Where the goods or services to be procured are economically procurable from only one source, such as contracts for local exchange telephone service, electrical energy and other public utility services, books, pamphlets and periodicals and specially designed business and research equipment and related supplies. Such items are examples of single source items and are not intended to be an exhaustive listing.
- b) Where the services required are for professional or artistic skills. For architects, engineers, and land surveyors, see the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].
- c) Emergencies involving public health, public safety, or where immediate expenditure is necessary for repairs to University property in order to protect against further loss of or damage to University property, to prevent or minimize serious disruption in University services or to insure the integrity of University records.
- d) Expenditures for personal services paid to employees or officers of a State agency.
- e) Contracts for repairs, maintenance, remodeling, renovation or construction of a single project involving an expenditure not to exceed the amount stipulated by Section 6(a)(5) of the Illinois Purchasing Act [30 ILCS 505/6(a)(5)] and not involving a change or increase in the size, type or extent of an existing facility.
- f) Contracts for repairs, maintenance or any other services not specifically exempt from a competitive selection procedure under the Illinois Purchasing Act where individual orders for such services do not exceed the amount stipulated by Section 6(a)(6) of the Illinois Purchasing Act [30 ILCS 505/6(a)(6)].

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- g) Purchases of commodities and equipment where individual orders are less than the amount stipulated by Section 6(a)(7) of the Illinois Purchasing Act [30 ILCS 505/6(a)(7)].
- h) Where a contract for maintenance, or servicing of, or provision of repair parts for equipment is made with the manufacturer or authorized service agent of that equipment and where such maintenance, servicing or provision of parts can best be performed by the manufacturer or authorized services agent, or such contract would otherwise be advantageous to the State; but this does not apply to the five subdivisions of work applicable to construction contracts listed in Section 525.670 of this Part.
- i) Where the goods or services are procured from another governmental agency. (This allows procurement from federal, state and local governmental units.)
- j) Purchases and contracts for the use, purchase, delivery, movement or installation of data processing equipment and software or services and telecommunications and interconnect equipment, software and services.
- k) Any contract for duplicating machines and supplies.
- l) Any contract for the purchase of natural gas when the cost is less than that offered by a public utility.
- m) Where court order or federal law, regulation or procurement practices prohibits or effectively prevents acquisition of the goods or services by competitive procurement.
- n) Other circumstances where permitted the Act.
- o) Where the products and services are procured from any qualified not-for-profit agency for the severely handicapped which:
 - 1) complies with Illinois laws governing private not-for-profit organizations,
 - 2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor, and
 - 3) meets the Illinois Department of Rehabilitation Services just standards for rehabilitation facilities.
- p) Purchases from a qualified private business with a supported employment workforce as defined in Section 8.5 of the Illinois Purchasing Act [30 ILCS 505/8.5].
- q) Purchases of and contracts for office equipment and associated supplies when such contracts provide for prices that are equal to or lower than Federal General Services Administration contracts and when such contracts or pricing result in economical advantage to the University.

Section 525.710 Procedures for Appeal
EMERGENCY

A decision of a purchasing official shall be final unless a subsequent written appeal is made promptly. Any decision rendered by a purchasing official pursuant to this Part may be appealed by filing a written statement setting forth all the facts and circumstances together with the basis for making such

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
NOTICE OF EMERGENCY REPEALER

appeal with the chief business officer at the University.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Quality Standards and Certification Requirements for Facilities Performing Mammography

- 2) Code Citation: 32 Ill. Adm. Code 370

- 3) Section Number:
- | | <u>Emergency Action:</u> |
|----------------|--------------------------|
| 370.10 | New Section |
| 370.20 | New Section |
| 370.30 | New Section |
| 370.40 | New Section |
| 370.50 | New Section |
| 370.60 | New Section |
| 370.70 | New Section |
| 370.80 | New Section |
| 370.90 | New Section |
| 370.100 | New Section |
| 370.110 | New Section |
| 370.120 | New Section |
| 370.130 | New Section |
| 370.140 | New Section |
| 370.150 | New Section |
| 370.160 | New Section |
| 370.170 | New Section |
| 370.APPENDIX A | New Section |
| 370.APPENDIX B | New Section |
| 370.TABLE A | New Section |

- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

- 5) Effective Date of Rules: August 3, 1998

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the proposed rule is adopted.

- 7) Date Filed with the Index Department: August 3, 1998

- 8) A copy of all material incorporated by reference in this adopted emergency rule is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

- 9) Reason for Emergency: The Department believes that this action enabling the Department to certify facilities pursuant to the federal Mammography Quality Standards Act of 1992 (MQSA) to be eligible to perform screening or diagnostic mammography services will ensure that all mammography facilities are adequately and consistently evaluated for compliance with national quality standards and will ensure safe, reliable and accurate

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

Radiation Protection Act of 1990, other than Section 24.5, additional enforcement action may be necessary.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in this issue of the *Illinois Register*, the Department is proposing, for public comment, a general rulemaking that covers the topics and text included in the Emergency rule.

11) Are there any other proposed amendments to this Part pending? Yes. Elsewhere in today's *Illinois Register*, the Department has proposed, for public comment, a general rulemaking that covers the topics and text included in the Emergency Rule.

12) Statement of Statewide Policy Objectives: The requirements imposed by this emergency rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues, with one possible exception. The exception is that local governmentally funded facilities that provide mammography services will be required to pay an annual certification fee of \$750 to the Department. This fee is necessary to cover Department costs for the MQSA certification program.

Because locally funded mammography facilities are already subject to the requirements of the Radiation Protection Act of 1990 as well as the MQSA and FDA's regulations thereunder, the impact of this rule on such facilities should be minimal.

13) Information and questions regarding this emergency rule shall be directed to:

Lyle J. Black
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Emergency Rules begin on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

mammography procedures which will benefit the health, safety and welfare of Illinois women in detecting the early signs of breast cancer. The implementation of this State program under the MQSA should begin as soon as possible to enhance the quality of mammography services provided to women in Illinois.

10) A Complete Description of the Subjects and Issues Involved: This emergency rulemaking will facilitate federal approval and implementation of the State certification program for State fiscal year 1999. Illinois is one of the first two States that have applied to the Food and Drug Administration (FDA) to become authorized to implement federal MQSA certification requirements as part of FDA's States as Certifiers Demonstration Project. FDA has approved the Department's application pending adoption and implementation of rules consistent with MQSA.

This emergency rulemaking is a preliminary step towards implementing a State certification program under subsection (q) of the federal MQSA, and subsection (b) of Section 24.5 of the Radiation Protection Act of 1990. The Department has submitted an application to the United States Food and Drug Administration to become authorized to carry out the certification program requirements provided for in MQSA. As a prerequisite to obtaining the statutorily required approval by the Secretary of Health and Human Services of the State's certification program, the State must have enacted laws and issued regulations relating to mammography facilities and additional requirements for radiographers performing mammography which are the requirements of the MQSA. This Part and the Radiation Protection Act of 1990 should meet those requirements.

This Part establishes quality standards and certification requirements for facilities performing mammography to ensure that all mammography facilities are adequately and consistently evaluated for compliance with the standards provided for in this Part. In addition, this Part establishes additional training, continuing education and continuing experience requirements for radiographers performing mammography services at mammography facilities. The standards in this Part are consistent with standards in FDA's final mammography rule which becomes effective on April 28, 1999. The Department recognizes, however, that some of the standards in this Part and FDA's final rule are more restrictive than the standards in FDA's current interim mammography rule that is effective until April 28, 1999. In enforcing a new or more restrictive provision than that found in FDA's interim rules, the Department will examine the violation to determine whether the violation would have been a violation of FDA's interim rules or a Section of the Radiation Protection Act of 1990 other than Section 24.5. If the violation would not have been a violation of FDA's interim rules, and does not violate a provision of the Radiation Protection Act, the Department will note the violation and monitor the facility's progress toward achieving compliance by April 28, 1999. If the violation would violate FDA's Interim regulations or provisions of the

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION
PART 370
QUALITY STANDARDS AND CERTIFICATION REQUIREMENTS
FOR FACILITIES PERFORMING MAMMOGRAPHY

Section	
370.10	Scope
EMERGENCY	
370.20	Definitions
EMERGENCY	
370.30	Incorporations by Reference
EMERGENCY	
370.40	Exemptions
EMERGENCY	
370.50	Requirements for Certification
EMERGENCY	
370.60	Fees
EMERGENCY	
370.70	Personnel Requirements
EMERGENCY	
370.80	Equipment Requirements
EMERGENCY	
370.90	Medical Records and Mammography Reports
EMERGENCY	
370.100	Quality Assurance Requirements
EMERGENCY	
370.110	Equipment Quality Assurance Tests
EMERGENCY	
370.120	Additional Administrative Requirements
EMERGENCY	
370.130	Mammography Medical Outcomes Audit
EMERGENCY	
370.140	Additional Mammography Review and Patient Notification
EMERGENCY	
370.150	Revocation of Accreditation and Revocation of Accreditation Body
EMERGENCY	
370.160	Suspension or Revocation of Certificates
EMERGENCY	
370.170	Mammography Units Used for Localization or Biopsy Procedures
EMERGENCY	
APPENDIX A	Mammography Dose Measurement Protocol
EMERGENCY	
APPENDIX B	Mammography Phantom Image Evaluation
EMERGENCY	

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

TABLE A
Mammography Dose Evaluation Table
EMERGENCY

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

SOURCE: Old Part repealed at 15 Ill. Reg. 10846, effective July 15, 1991; new Part adopted by emergency rule at 22 Ill. Reg. **14972**, effective August 3, 1998, for a maximum of 150 days.

Section 370.10 Scope
EMERGENCY

This Part establishes quality standards and certification requirements for facilities performing mammography to ensure that all mammography facilities are adequately and consistently evaluated for compliance with the standards provided in this Part. The provisions of this Part are in addition to and not in substitution for other applicable provisions of 32 Ill. Adm. Code 310, 320, 340, 400, 401 and 410.

Section 370.20 Definitions
EMERGENCY

As used in this Part, the following definitions apply:

"Accreditation body" or "body" means an entity that has been approved by FDA to accredit mammography facilities.

"Action limits" or "action levels" means the minimum and maximum values of a quality assurance measurement that can be interpreted as representing acceptable performance with respect to the parameter being tested. Values less than the minimum or greater than the maximum action limit or level indicate that corrective action shall be taken by the facility. Action limits or levels are also sometimes called control limits or levels.

"Adverse event" means an undesirable experience associated with mammography activities that include but are not limited to:

Poor image quality;

Failure to send mammography reports within 30 days to the referring physician or in a timely manner to the self-referred patient; and

Use of personnel that do not meet the requirements of Section 370.70 of this Part.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

"Air kerma" means kerma in a given mass of air. The unit used to measure the quantity of air kerma is the Gray (Gy). For x-rays with energies less than 300 kiloelectronvolts (keV), 1 Gy = 100 rad.

"Breast implant" means a prosthetic device implanted in the breast.

"Calendar quarter" means any one of the following time periods during a given year: January 1 through March 31, April 1 through June 30, July 1 through September 30 or October 1 through December 31.

"Category I" means medical educational activities that have been designated as Category I by the Accreditation Council for Continuing Medical Education (ACCME), the American Osteopathic Association (AOA), a state medical society or an equivalent organization.

"Certificate" means the certificate described in Section 370.50 of this Part.

"Certification" means the process of approval of a facility by the Department to provide mammography services.

"Clinical image" means a mammogram.

"Consumer" means an individual who chooses to comment or complain in reference to a mammography examination, including the patient or representative of the patient (e.g., family member or referring physician).

"Continuing education unit" or "continuing education credit" means one contact hour of training.

"Contact hour" means an hour of training received through direct instruction.

"Department" means the Department of Nuclear Safety.

"Diagnostic mammography" means mammography performed on a patient with:

clinical signs, symptoms or physical findings suggestive of breast cancer;

an abnormal or questionable screening mammogram;

a history of breast cancer with breast conservation surgery regardless of absence of clinical breast signs, symptoms or physical findings; or

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

augmented breasts regardless of absence of clinical breast signs, symptoms or physical findings.

AGENCY NOTE: Diagnostic mammography is also called problem-solving mammography or consultative mammography. This definition excludes mammography performed during invasive interventions for localization or biopsy procedures.

"Direct instruction" means:

Face-to-face interaction between instructor(s) and student(s), as when the instructor provides a lecture, conducts demonstrations or reviews student performance; or

The administration and correction of student examinations by an instructor(s) with subsequent feedback to the student(s).

"Direct supervision" means that:

During joint interpretation of mammograms, the supervising interpreting physician reviews, discusses, and confirms the diagnosis of the physician being supervised and signs the resulting report before it is entered into the patient's records; or

During the performance of a mammography examination or survey of the facility's equipment and quality assurance program, the supervisor is present to observe and correct, as needed, the performance of the individual being supervised who is performing the examination or conducting the survey.

"Director" means the Director of the Department of Nuclear Safety.

"Established operating level" means the value of a particular quality assurance parameter that has been established as an acceptable normal level by the facility's quality assurance program.

"Facility" or "mammography installation" means a hospital, outpatient department, clinic, radiology practice, mobile unit, office of a physician or other facility that conducts mammography activities, including operation of equipment to produce a mammogram, processing of the mammogram, initial interpretation of the mammogram and maintaining viewing conditions for that interpretation.

"First allowable time" means the earliest time a resident physician is eligible to take the diagnostic radiology boards from an FDA-designated certifying body.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

"FDA" means the Food and Drug Administration.

"Interim regulations" means the regulations entitled "Requirements for Accrediting Bodies of Mammography Facilities" (58 FR 67558-67565) and "Quality Standards and Certification Requirements for Mammography Facilities" (58 FR 67565-67572), published by FDA on December 21, 1993, and amended on September 30, 1994 (59 FR 49808-49813). These regulations established the standards that had to be met by mammography facilities in order to lawfully operate between October 1, 1994 and April 28, 1999.

"Interpreting physician" means a licensed physician who interprets mammograms and who meets the requirements of Section 370.70(a) of this Part.

"Lead interpreting physician" means the interpreting physician assigned the general responsibility for ensuring that a facility's quality assurance program meets all of the requirements of Sections 370.100, 370.110, 370.120(b) and (c) and 370.130 of this Part. The administrative title and other supervisory responsibilities of the individual, if any, are left to the discretion of the facility.

"Mammogram" means radiographic image produced through mammography.

"Mammographic modality" means a technology for radiography of the breast. Examples are screen-film mammography and digital mammography.

"Mammography" means radiography of the breast.

"Mammography equipment evaluation" means an onsite assessment of mammography unit or image processor performance by a medical physicist for the purpose of making a preliminary determination as to whether the equipment meets all of the applicable standards in this Part.

"Mammography medical outcomes audit" means a systematic collection of mammography results and the comparison of those results with outcomes data.

"Mammography unit or units" means an assemblage of components for the production of x-rays for use during mammography, including, at a minimum, an x-ray generator, an x-ray control, a tube housing assembly, a beam limiting device and the supporting structures for these components.

"Mean optical density" means the average of the optical densities (OD) measured using phantom thicknesses of 2, 4 and 6 centimeters with values of kilovolt peak (kVp) clinically appropriate for those thicknesses.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

"Medical physicist" means a person trained in evaluating the performance of mammography equipment and facility quality assurance programs and who meets the qualifications set forth in Section 370.70(c) of this Part.

"MQSA" means the federal Mammography Quality Standards Act of 1992.

"Multi-reading" means two or more physicians, at least one of whom is an interpreting physician, interpreting the same mammogram.

"Patient" means any individual who undergoes a mammography evaluation in a facility.

"Phantom" means a test object used to simulate radiographic characteristics of compressed breast tissue and containing components that radiographically model aspects of breast disease and cancer. It is equivalent to a nominal 4.2 centimeter compressed breast of average density (i.e., 50 percent adipose and 50 percent glandular tissue) and shall contain the following objects:

Spherical masses, composed of phenolic plastic, with thicknesses of: 2.00, 1.00, 0.75, 0.50 and 0.25 millimeter;

Specks, composed of aluminum oxide, with diameters of: 0.54, 0.40, 0.32, 0.24 and 0.16 millimeter;

Fibers, composed of nylon, with thicknesses of: 1.56, 1.12, 0.89, 0.75, 0.54 and 0.40 millimeter.

AGENCY NOTE: The Mammographic Accreditation Phantom Model 156, manufactured by Radiation Measurements, Inc., meets the above criteria and was chosen for use by the American College of Radiology's Mammography Accreditation Program.

"Phantom image" means a radiographic image of a phantom.

"Physical science" means physics, chemistry, radiation science (including medical physics and health physics) and engineering.

"Positive mammogram" means a mammogram that has an overall assessment of findings that are either "suspicious" or "highly suggestive of malignancy."

"Provisional certificate" means the provisional certificate described in Section 370.50(b) of this Part.

"Qualified instructor" means an individual whose training and experience adequately prepares him or her to carry out specified

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

training assignments. Interpreting physicians, radiologic technologists or medical physicists who meet the requirements of Section 370.70 of this Part would be considered qualified instructors in their respective areas of mammography. Other examples of individuals who may be qualified instructors for the purpose of providing training to meet the requirements of this Part include, but are not limited to, instructors in a post-high school training institution and manufacturer's representatives.

"Quality control technologist" means an individual meeting the requirements of Section 370.100(a)(4) of this Part who is responsible for those quality assurance responsibilities not assigned to the lead interpreting physician or to the medical physicist.

"Radiologic technologist" means an individual specifically trained in the use of radiographic equipment and the positioning of patients for radiographic examinations and when performing mammography without direct supervision, also meets the requirements set forth in Section 370.70(b) of this Part.

"Screening mammography" means mammography performed on an asymptomatic patient to detect the presence of breast cancer at an early stage.

"Serious adverse event" means an adverse event that may significantly compromise clinical outcomes, or an adverse event for which a facility fails to take appropriate corrective action in a timely manner.

"Serious complaint" means a report of a serious adverse event.

"Standard breast" means a 4.2 centimeter (cm) thick compressed breast consisting of 50 percent glandular and 50 percent adipose tissue.

"Survey" means an onsite physics consultation and evaluation of a facility quality assurance program performed by a medical physicist.

"Time cycle" means the film development time.

"Traceable to a national standard" means an instrument is calibrated at either the National Institute of Standards and Technology (NIST) or at a calibration laboratory that participates in a proficiency program with NIST at least once every 2 years and the results of the proficiency test conducted within 24 months of calibration show agreement within plus or minus 3 percent of the national standard in the mammography energy range.

Section 370.30 Incorporations by Reference EMERGENCY

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 370.40 Exemptions EMERGENCY

Mammography units used only during invasive interventions for localization or biopsy procedures are exempt from the requirements of this Part, except that such systems shall satisfy the criteria specified in Section 370.170 of this Part.

Section 370.50 Requirements for Certification EMERGENCY

- a) A certificate issued by the Department is required for lawful operation of all mammography facilities subject to the provisions of this Part. As soon as practicable after the effective date of this Part, the Department will issue a certificate to each facility holding a currently valid certificate issued by FDA under the Mammography Quality Standards Act of 1992. The term of such certificate shall be for the same period of time as the remainder of the term of the certificate issued by FDA. Certificate holding facilities shall meet the requirements of Sections 370.70, 370.80, 370.90, 370.100, 370.110, 370.120 and 370.130 of this Part and be accredited by an FDA-approved accreditation body.

AGENCY NOTE: Currently, the only FDA-approved accrediting body in Illinois is the American College of Radiology.

AGENCY NOTE: This subsection (a) is intended to facilitate the transition from FDA issued certificates under MQSA to Department issued certificates implementing a State program under MQSA. The Department recognizes that facilities with currently valid FDA MQSA certificates have met the standards for certificate issuance required by FDA and this Part.

AGENCY NOTE: Except for the initial "grandfathered" certificates issued to facilities holding FDA certificates and except for provisional certificates to new facilities issued under this Section, the term of certificates issued under this Section shall be for three years. Applications for all other certificate shall be made in accordance with this Section.

- b) Application.

- 1) Certificates.

- A) In order to qualify for a certificate, a facility shall apply to an FDA-approved accreditation body.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- B) Following the Department's receipt of the accreditation body's decision to accredit a facility, the Department may issue a certificate to the facility, or renew an existing certificate, if the Department determines that the facility has satisfied the requirements for certification or recertification.
- 2) Provisional certificates. A new facility is eligible to apply for a provisional certificate. The provisional certificate will enable the facility to perform mammography and to obtain the clinical images needed to complete the accreditation process.
- A) To receive a provisional certificate, a facility shall apply and submit the required information to an FDA-approved accreditation body.
- B) Following the Department's receipt of the accreditation body's decision that a facility has submitted the required information, the Department may issue a provisional certificate to a facility upon determination that the facility has satisfied the requirements for provisional certification. A provisional certificate shall be effective for up to 6 months from the date of issuance. A provisional certificate cannot be renewed, but a facility may apply for a 90 day extension of the provisional certificate.
- 3) Extension of provisional certificate.
- A) To apply for a 90 day extension to a provisional certificate, a facility shall submit to its accreditation body a statement of what the facility is doing to obtain certification and evidence that there would be a significant adverse impact on access to mammography in the geographic area served if such facility did not obtain an extension.
- B) Following the Department's receipt of the accreditation body's decision that a facility has submitted the required information, the Department may issue a 90 day extension of the provisional certificate to the facility upon determination that the facility has satisfied the requirements for the 90 day extension.
- C) There can be no renewal of a provisional certificate beyond the 90-day extension.
- c) Reinstatement policy. A previously certified facility that has allowed its certificate to expire, that has been refused a renewal of its certificate by FDA or the Department, or that has had its certificate suspended or revoked by FDA or the Department, may apply for reinstatement. If reinstated, the facility will be eligible for a provisional certificate.
- 1) Unless prohibited from reinstatement under subsection (c)(4) of this Section, a facility applying for reinstatement shall:
- A) Contact an FDA-approved accreditation body to determine the requirements for reapplication for accreditation;
- B) Fully document its history as a previously provisionally

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

certified or certified mammography facility, including the following information:

- i) Name and address of the facility under which it was previously provisionally certified or certified;
 - ii) Name of previous owner/lessor;
 - iii) Facility identification number assigned to the facility under its previous certification; and
 - iv) Expiration date of the most recent provisional certificate or certificate; and
- C) Justify application for reinstatement of accreditation by submitting to the accreditation body a corrective action plan that details how the facility has corrected deficiencies that contributed to the lapse, denial of renewal or revocation of its certificate.
- 2) The Department may issue a provisional certificate to a previously certified facility:
- A) Following the Department's receipt of the accreditation body's decision that a facility has adequately corrected, or is in the process of correcting, pertinent deficiencies at the facility; and
 - B) The Department determines that the facility has taken sufficient corrective action since the lapse, denial of renewal or revocation of its previous certificate.
- 3) After receiving the provisional certificate, the facility may lawfully resume performing mammography services while completing the requirements for certification.
- 4) If a facility's certificate was revoked on the basis of an act described in Section 370.160 of this Part, no person who owned or operated that facility at the time the act occurred may own or operate a mammography facility within 2 years after the date of revocation.
- d) Appeals of adverse accreditation or reaccreditation decisions. The appeals procedures described in this subsection (d) are available only for adverse accreditation or reaccreditation decisions that preclude certification or recertification by the Department.
- 1) Upon learning that a facility has failed to become accredited or reaccredited, the Department will notify the facility that the Department is unable to certify that facility without proof of accreditation.
 - 2) A facility that has been denied accreditation or reaccreditation is entitled to an appeals process from the accreditation body. A facility shall avail itself of the accreditation body's appeal process before appealing that decision to the Department.
 - 3) In the event that a facility, after availing itself of the accreditation body's appeal process, receives an adverse accreditation or reaccreditation decision, the facility may within 30 days after such adverse decision submit a request for review of the adverse accreditation or reaccreditation decision

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

to the Department.

- 4) Within 30 days following receipt of such written request, the Department shall issue a Preliminary Order and Notice of Opportunity for Hearing to the facility in accordance with 32 Ill. Adm. Code 200 stating the basis for the denial of certification or recertification.
- 5) Upon issuance of the Preliminary Order and Notice of Opportunity for Hearing, such provisions of 32 Ill. Adm. Code 200 shall apply as may be applicable.

Section 370.60 Fees EMERGENCY

- a) Except as provided in subsection (b) of this Section, the Department shall assess each certified mammography installation an annual certification fee of \$750 in each State fiscal year (July 1 - June 30). The Department shall bill the mammography installation for the annual fee after July 1. The annual fee shall be due and payable within 60 days after the date of billing. Failure to pay the required fee may result in revocation of the certificate.

AGENCY NOTE: For mammography installations holding valid FDA mammography certificates on the effective date of this Part, the initial annual fee shall be billed as soon as practicable after the effective date of this Part. The annual fee described in subsection (a) of this Section applies to both fully and provisionally certified mammography installations.

- b) A new mammography installation issued an initial provisional certificate after December 31 of any State fiscal year shall not be required to pay a certification fee for that State fiscal year.

Section 370.70 Personnel Requirements EMERGENCY

Personnel. The following requirements apply to all personnel involved in any aspect of mammography, including the production, processing, and interpretation of mammograms and related quality assurance activities:

- a) Interpreting physicians. All physicians interpreting mammograms shall meet the following qualifications:

- 1) Initial qualifications. Unless the exemption in subsection (a)(3) of this Section applies, before beginning to interpret mammograms independently, the interpreting physician shall:

- A) Be a physician licensed under the Medical Practice Act of 1987 to practice medicine in all its branches [225 ILCS 60];
- B) Be certified in diagnostic radiology by either the American Board of Radiology, the American Osteopathic Board of Radiology, or Royal College of Physicians and Surgeons of Canada or have had at least 3 months of documented formal training in the interpretation of mammograms and in topics

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

related to mammography. The training shall include instruction in radiation physics, including radiation physics specific to mammography, radiation effects and radiation protection. The mammographic interpretation component shall be under the direct supervision of a physician who meets the requirements of subsection (a) of this Section;

- C) Have a minimum of 60 hours of documented medical education in mammography, which shall include instruction in the interpretation of mammograms and education in basic breast anatomy, pathology, physiology, technical aspects of mammography and quality assurance and quality control in mammography. All 60 of these hours shall be Category I and at least 15 of the Category I hours shall have been acquired within the 3 years immediately prior to the date that the physician qualifies as an interpreting physician. Hours spent in residency specifically devoted to mammography will be considered as equivalent to Category I continuing medical education credits and will be accepted if documented in writing by the appropriate representative of the training institution; and
 - D) Unless the exemption in subsection (a)(3) of this Section applies, have interpreted or multi-read at least 240 mammographic examinations within the 6 month period immediately prior to the date that the physician qualifies as an interpreting physician. This interpretation or multi-reading shall be under the direct supervision of an interpreting physician.
- 2) Continuing experience and education. All interpreting physicians shall maintain their qualifications by meeting the following requirements:
- A) Following the second anniversary date of the end of the calendar quarter in which the requirements of subsection (a)(1) of this Section were completed, the interpreting physician shall have interpreted or multi-read at least 960 mammographic examinations during the 24 months immediately preceding the date of the facility's annual MQSA inspection, or the last day of the calendar quarter preceding the inspection or any date in between the two. The facility will choose one of these dates to determine the 24 month period.
 - B) Following the third anniversary date of the end of the calendar quarter in which the requirements of subsection (a)(1) of this Section were completed, the interpreting physician shall have taught or completed at least 15 Category I continuing medical education units in mammography during the 36 months immediately preceding the date of the facility's annual MQSA inspection, or the last day of the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

calendar quarter preceding the inspection or any date in between the two. The facility will choose one of these dates to determine the 36 month period. This training shall include at least 6 Category I continuing medical education credits in each mammographic modality used by the interpreting physician in his or her practice.

C) Before an interpreting physician may begin independently interpreting mammograms produced by a new mammographic modality, that is, a mammographic modality in which the physician has not previously been trained, the interpreting physician shall have at least 8 hours of training in the new mammographic modality.

D) Units earned through teaching a specific course can be counted only once towards the 15 units required by subsection (a)(2) of this Section, even if the course is taught multiple times during the previous 36 months.

3) Exemptions.

A) Those physicians who qualified as interpreting physicians under FDA's interim regulations prior to April 28, 1999, are considered to have met the initial requirements of subsection (a)(1) of this Section. These physicians may continue to interpret mammograms provided they continue to meet the requirements of subsection (a)(1) of this Section and the continuing experience and education requirements of subsection (a)(2) of this Section.

B) Physicians who have interpreted or multi-read at least 240 mammographic examinations under the direct supervision of an interpreting physician in any 6 month period during the last 2 years of a diagnostic radiology residency and who become appropriately board certified at the first allowable time, as defined by an eligible certifying body, are otherwise exempt from subsection (a)(1)(D) of this Section.

4) Reestablishing qualifications. Interpreting physicians who fail to maintain the required continuing experience or continuing education requirements of subsection (a)(2) of this Section, shall reestablish their qualifications before resuming the independent interpretation of mammograms as follows:

A) Interpret or multi-read at least 240 mammographic examinations under the direct supervision of an interpreting physician, or interpret or multi-read a sufficient number of mammographic examinations, under the direct supervision of an interpreting physician, to bring the physician's total up to 960 examinations for the prior 24 months, whichever is less.

B) Interpreting physicians who fail to meet the continuing education requirements of subsection (a)(2)(B) of this Section shall obtain a sufficient number of additional Category I continuing medical education credits in

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

mammography to bring their total up to the required 15 credits in the previous 36 months before resuming independent interpretation.

C) The interpretations required under this Section shall be done within the 6 months immediately prior to resuming independent interpretation.

b) Radiologic technologists who perform mammographic examinations shall be accredited by the Department and shall meet the following:

1) Training requirements.

A) Have, prior to April 28, 1999, qualified as a radiologic technologist under FDA's interim regulations; or

B) Complete at least 40 contact hours of documented training specific to mammography under the supervision of a qualified instructor. The hours of documented training shall include, but not necessarily be limited to:

i) Training in breast anatomy and physiology, positioning and compression, quality assurance/quality control techniques and imaging of patients with breast implants;

ii) The performance of a minimum of 25 examinations under the direct supervision of an individual qualified under subsection (b) of this Section; and

iii) At least 8 hours of training in each mammography modality to be used by the technologist in performing mammography exams.

2) Continuing education requirements.

A) Following the third anniversary date of the end of the calendar quarter in which the requirements of subsection (b)(1) of this Section were completed, the radiologic technologist who performs mammography shall have taught or completed at least 15 continuing education units in mammography during the 36 months immediately preceding the date of the facility's annual MQSA inspection, or the last day of the calendar quarter preceding the inspection or any date in between the two. The facility will choose one of these dates to determine the 36 month period.

B) Units earned through teaching a specific course can be counted only once towards the 15 hours of continuing education requirements required in subsection (b)(2) of this Section, even if the course is taught multiple times during the previous 36 months.

C) At least 6 of the continuing education units required in subsection (b)(2) of this Section shall be related to each mammographic modality used by the technologist.

D) Requalification. Radiologic technologists who fail to meet the continuing education requirements of subsection (b)(2)(A) of this Section shall obtain a sufficient number of continuing education units in mammography to bring their

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

total up to at least 15 in the previous 3 years, at least 6 of which shall be related to each modality used by the technologist in mammography. The technologist shall not resume performing unsupervised mammography examinations until the continuing education requirements are completed.

- E) Before a radiologic technologist may begin independently performing mammography examinations using a mammographic modality other than one of those for which the technologist received training under subsection (b)(1)(B)(iii) of this Section, the technologist shall have at least 8 hours of continuing education units in the new modality.

3) Continuing experience requirements.

- A) Following the second anniversary date of the end of the calendar quarter in which the requirements of subsection (b)(1) of this Section were completed or of April 28, 1999, whichever is later, the radiologic technologist shall have performed a minimum of 200 mammography examinations during the 24 months immediately preceding the date of the facility's annual MQSA inspection, or the last day of the calendar quarter preceding the inspection or any date in between the two. The facility will choose one of these dates to determine the 24 month period.

- B) Requalification. Radiologic technologists who fail to meet the continuing experience requirements of subsection (b)(3)(A) of this Section shall perform a minimum of 25 mammography examinations under the direct supervision of a qualified radiologic technologist before resuming the performance of unsupervised mammography.

- C) Programs, courses or other activities intended to meet the requirement for initial, or requalification, mammography training or continuing education in mammography shall be approved by the Department.

- D) Completion of initial, or requalification, mammography training and continuing education in mammography shall be verified to the Department.

- c) Medical physicists. All medical physicists conducting surveys of mammography facilities and providing oversight of the facility quality assurance program shall meet the following:

1) Initial qualifications.

- A) Be approved by the Department as diagnostic imaging specialists pursuant to 32 Ill. Adm. Code 360.20 or be certified in diagnostic radiological physics or radiological physics by either the American Board of Radiology (ABR) or the American Board of Medical Physics (ABMP);
- B) Have a masters degree or higher in a physical science from an accredited institution, with no less than 20 semester hours or equivalent (e.g., 30 quarter hours) of college undergraduate or graduate level physics;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- C) Have 20 contact hours of documented specialized training in conducting surveys of mammography facilities; and
- D) Have the experience of conducting surveys of at least 1 mammography facility and a total of at least 10 mammography units. No more than one survey of a specific unit within a period of 60 days can be counted towards the total mammography unit survey requirement. After April 28, 1999, experience conducting surveys shall be acquired under the direct supervision of a medical physicist who meets all the requirements of subsections (c)(1), (c)(2) and (c)(3) of this Section.

2) Alternative initial qualifications.

- A) Have qualified as a medical physicist under FDA's interim regulations and retained that qualification by maintenance of the active status of any licensure, approval or certification required;

- B) Have, prior to April 28, 1999, obtained a bachelor's degree or higher in a physical science from an accredited institution with no less than 10 semester hours or equivalent of college undergraduate or graduate level physics;

- C) Have 40 contact hours of documented specialized training in conducting surveys of mammography facilities; and

- D) Have the experience of conducting surveys of at least 1 mammography facility and a total of at least 20 mammography units. No more than one survey of a specific unit within a period of 60 days can be counted towards the total mammography unit survey requirement. The training and experience requirements shall be met after fulfilling the degree requirement.

- 3) Continuing education and experience. All medical physicists shall maintain their qualifications by meeting the following requirements:

- A) Continuing education. Beginning 3 years after the end of the calendar quarter in which the requirements of subsection (c)(1) or (c)(2) of this Section were completed, the medical physicist shall have taught, or completed, at least 15 continuing education units in mammography during the 36 months immediately preceding the date of the facility's annual inspection, or the last day of the calendar quarter preceding the inspection or any date in between the two. The facility shall choose one of these dates to determine the 36 month period. This continuing education shall include hours of training appropriate to each mammographic modality evaluated by the medical physicist during his or her surveys or oversight of quality assurance programs. Units earned through teaching a specific course can be counted only once towards the required 15 continuing

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

education units in a 36 month period, even if the course is taught multiple times during the 36 months.

- B) Continuing experience. Beginning 2 years after the end of the calendar quarter in which the requirements of subsection (c)(1) or (c)(2) of this Section were completed or of October 28, 1997, whichever is later, the medical physicist shall have surveyed at least 2 mammography facilities and a total of at least 6 mammography units during the 24 months immediately preceding the date of the facility's annual MQSA inspection, or the last day of the calendar quarter preceding the inspection or any date in between the two. The facility shall choose one of these dates to determine the 24 month period. No more than one survey of a specific facility within a 10 month period or a specific unit within a period of 60 days can be counted towards the total mammography unit survey requirement.

- C) Before a medical physicist may begin independently performing mammographic surveys of a new mammographic modality, that is, a mammographic modality other than one for which the physicist received training to qualify under subsection (c)(1) or (c)(2) of this Section, the physicist shall receive at least 8 hours of training in surveying units of the new mammographic modality.

- 4) Reestablishing qualifications. Medical physicists who fail to maintain the required continuing education and experience qualifications of subsection (c)(3) of this Section may not perform the MQSA surveys without the supervision of a qualified medical physicist. Before independently surveying another facility, medical physicists shall reestablish their qualifications, as follows:

- A) Medical physicists who fail to meet the continuing educational requirements of subsection (c)(3)(A) of this Section shall obtain a sufficient number of continuing education units to bring their total units up to the required 15 units in the previous 3 years.

- B) Medical physicists who fail to meet the continuing experience requirement of subsection (c)(3)(B) of this Section shall complete a sufficient number of surveys under the direct supervision of a medical physicist who meets the qualifications of subsection (c)(1) or (c)(2) of this Section, to bring their total surveys up to the required 2 facilities and 6 units in the previous 24 months. No more than one survey of a specific unit within a period of 60 days can be counted towards the total mammography unit survey requirement.

- d) Retention of personnel records. Facilities shall maintain records to document the qualifications of all personnel who worked at the facility as interpreting physicians, radiologic technologists or

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

medical physicists. These records shall be available for review by the Department. Records of personnel no longer employed by the facility shall not be discarded until the next annual inspection has been completed and the Department has determined that the facility is in compliance with the personnel requirements of this Section.

Section 370.80 Equipment Requirements
EMERGENCY

The equipment requirements of this Section are intended to ensure that mammography equipment is capable of producing quality mammograms over the full range of clinical conditions.

- a) Prohibited equipment. Radiographic equipment designed for general purpose shall not be used for mammography. Mammography shall only be performed with a special purpose radiation machine specifically designed for and used solely for mammography procedures.
- b) General. All radiographic equipment used for mammography shall be certified under the "Performance Standards for Diagnostic X-Ray Systems and their Major Components," published at 21 CFR 1020.30, effective as of April 1, 1997.
- c) Motion of tube-image receptor assembly.

- 1) The assembly shall be capable of being fixed in any position where it is designed to operate. Once fixed in any such position, it shall not undergo unintended motion.
- 2) The mechanism ensuring compliance with subsection (c)(1) of this Section shall not fail in the event of power interruption.

- d) Image receptor sizes.

- 1) Systems using screen-film image receptors shall provide, at a minimum, for operation with image receptors of 18 x 24 centimeters (cm) and 24 x 30 cm.
- 2) Systems using screen-film image receptors shall be equipped with moving grids matched to all image receptor sizes provided.
- 3) Systems used for magnification procedures shall be capable of operation with the grid removed from between the source and image receptor.

- e) Beam limitation and light fields.

- 1) All systems shall have beam-limiting devices that allow the useful beam to extend to or beyond the chest wall edge of the image receptor.

- 2) For any mammography system with a light beam that passes through the x-ray beam-limiting device, the light shall provide an average illumination of not less than 160 lux (15 foot candles) at 100 cm or the maximum source-image receptor distance (SID), whichever is less.

- f) Magnification.

- 1) Systems used to perform noninterventional problem solving procedures shall have radiographic magnification capability available for use by the operator.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- 2) Systems used for magnification procedures shall provide, at a minimum, at least one magnification value within the range of 1.4 to 2.0.
- g) Focal spot selection.
 - 1) When more than one focal spot is provided, the system shall indicate, prior to exposure, which focal spot is selected.
 - 2) When more than one target material is provided, the system shall indicate, prior to exposure, the preselected target material.
 - 3) When the target material and/or focal spot is selected by a system algorithm that is based on the exposure or on a test exposure, the system shall display, after the exposure, the target material and/or focal spot actually used during the exposure.
- h) Compression. All mammography systems shall incorporate a compression device.
 - 1) Application of compression. Effective October 28, 2002, each system shall provide:
 - A) An initial power-driven compression activated by hands-free controls operable from both sides of the patient; and
 - B) Fine adjustment compression controls operable from both sides of the patient.
 - 2) Compression paddle.
 - A) Systems shall be equipped with different sized compression paddles that match the sizes of all full-field image receptors provided for the system. Compression paddles for special purposes, including those smaller than the full size of the image receptor (for "spot compression") may be provided. Such compression paddles for special purposes are not subject to the requirements of subsections (h)(2)(D) and (h)(2)(E) of this Section.
 - B) Except as provided in subsection (h)(2)(C) of this Section, the compression paddle shall be flat and parallel to the breast support table and shall not deflect from parallel by more than 1.0 cm at any point on the surface of the compression paddle when compression is applied.
 - C) Equipment intended by the manufacturer's design to not be flat and parallel to the breast support table during compression shall meet the manufacturer's design specifications and maintenance requirements.
 - D) The chest wall edge of the compression paddle shall be straight and parallel to the edge of the image receptor.
 - E) The chest wall edge may be bent upward to allow for patient comfort but shall not appear on the image.
- i) Technique factor selection and display.
 - 1) Manual selection of milliamperes seconds (mAs) or at least one of its component parts (milliampere (mA) and/or time) shall be available.
 - 2) The technique factors (peak tube potential in kilovolt (kV) and

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- either tube current in mA and exposure time in seconds or the product of tube current and exposure time in mAs) to be used during an exposure shall be indicated before the exposure begins, except when automatic exposure controls (AEC) are used, in which case the technique factors that are set prior to the exposure shall be indicated.
- 3) Following AEC mode use, the system shall indicate the actual kilovoltage peak (kVp) and mAs used during the exposure. The mAs may be displayed as mA and time.
 - j) Automatic exposure control.
 - 1) Each screen-film system shall provide an AEC mode that is operable in all combinations of equipment configuration provided, e.g., grid, nongrid, magnification, nonmagnification and various target-filter combinations.
 - 2) The positioning or selection of the detector shall permit flexibility in the placement of the detector under the target tissue.
 - A) The size and available positions of the detector shall be clearly indicated at the x-ray input surface of the breast compression paddle.
 - B) The selected position of the detector shall be clearly indicated.
 - 3) The system shall provide means for the operator to vary the selected optical density from the normal (zero) setting.
 - k) X-ray film. The facility shall use x-ray film for mammography that has been designated by the film manufacturer as appropriate for mammography.
 - l) Intensifying screens. The facility shall use intensifying screens for mammography that have been designated by the screen manufacturer as appropriate for mammography and shall use film that is matched to the screen's spectral output as specified by the manufacturer.
 - m) Film processing solutions. For processing mammography films, the facility shall use chemical solutions that are capable of developing the films used by the facility in a manner equivalent to the minimum requirements specified by the film manufacturer.
 - n) Lighting. The facility shall make special lights for film illumination, i.e., hot-lights, capable of producing light levels greater than that provided by the view box, available to the interpreting physicians.
 - o) Film masking devices. Facilities shall ensure that film masking devices that can limit the illuminated area to a region equal to or smaller than the exposed portion of the film are available to all interpreting physicians interpreting for the facility.

Section 370.90 Medical Records and Mammography Reports
EMERGENCY

- a) Contents and terminology. Each facility shall prepare a written

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

report of the results of each mammography examination performed under its certificate. The mammography report shall include the following information:

- 1) The name of the patient and an additional patient identifier;
- 2) Date of examination;
- 3) The name of the interpreting physician who interpreted the mammogram;

- 4) Overall final assessment of findings, classified in one of the following categories:

A) "Negative." Nothing to comment upon (if the interpreting physician is aware of clinical findings or symptoms, despite the negative assessment, these shall be explained);

B) "Benign." Also a negative assessment;

C) "Probably Benign." Finding(s) has a high probability of being benign;

D) "Suspicious." Finding(s) without all the characteristic morphology of breast cancer but indicating a definite probability of being malignant;

E) "Highly suggestive of malignancy." Finding(s) has a high probability of being malignant;

- 5) In cases where no final assessment category can be assigned due to incomplete work-up, "Incomplete: Need additional imaging evaluation" shall be assigned as an assessment and reasons why no assessment can be made shall be stated by the interpreting physician; and

- 6) Recommendations made to the health care provider about what additional actions, if any, should be taken. All clinical questions raised by the referring health care provider shall be addressed in the report to the extent possible, even if the assessment is negative or benign.

- b) Communication of mammography results to the patient. Each facility shall maintain a system to ensure that the results of each mammographic examination are communicated to the patient in a timely manner. If assessments are "Suspicious" or "Highly suggestive of malignancy" and the patient has not named a health care provider, the facility shall make reasonable attempts to ensure that the results are communicated to the patient as soon as possible.

- 1) As soon as possible, but no later than 30 days after the date of the mammography examination, patients who do not name a health care provider to receive the mammography report shall be sent the report described in subsection (a) of this Section, in addition to a written notification of results in lay terms.

- 2) Each facility that accepts patients who do not have a primary care provider shall maintain a system for referring such patients to a health care provider when clinically indicated.

- c) Communication of mammography results to health care providers. When the patient has a referring health care provider or the patient has named a health care provider, the facility shall:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- 1) Provide a written report of the mammography examination, including the items listed in subsection (a) of this Section, to that health care provider as soon as possible, but no later than 30 days after the date of the mammography examination; and
- 2) If the assessment is "Suspicious" or "Highly suggestive of malignancy," make reasonable attempts to communicate with the health care provider as soon as possible, or if the health care provider is unavailable, to a responsible designee of the health care provider.

- d) Recordkeeping. Each facility that performs mammograms:

- 1) Shall (except as provided in subsection (c)(2) of this Section) maintain mammography films and reports in a permanent medical record of the patient for a period of not less than 5 years, or not less than 10 years if no additional mammograms of the patient are performed at the facility;

- 2) Shall upon request by, or on behalf of, the patient permanently or temporarily transfer the original mammograms and copies of the patient's reports to a medical institution, or to a physician or health care provider of the patient, or to the patient directly. Any fee charged to the patient for providing the services in this subsection (d) shall not exceed the documented costs associated with this service.

- e) Mammographic image identification. Each mammographic image shall have the following information indicated on it in a permanent, legible, and unambiguous manner and placed so as not to obscure anatomic structures:

- 1) Name of patient and an additional patient identifier.
- 2) Date of examination.
- 3) View and laterality. This information shall be placed on the image in a position near the axilla. Standardized codes specified by the accreditation body shall be used to identify view and laterality.
- 4) Facility name and location. At a minimum, the location shall include the city, state and zip code of the facility.
- 5) Technologist identification.
- 6) Cassette/screen identification.
- 7) Mammography unit identification, if there is more than one unit in the facility.

Section 370.100 Quality Assurance Requirements EMERGENCY

Each facility shall establish and maintain a quality assurance program to ensure the safety, reliability, clarity and accuracy of mammography services performed at the facility.

- a) Responsible individuals. Responsibility for the quality assurance program and for each of its elements shall be assigned to individuals who are qualified for their assignments and who shall be allowed

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

adequate time to perform these duties.

- 1) Lead interpreting physician. The facility shall identify a lead interpreting physician who shall have the general responsibility of ensuring that the quality assurance program meets all requirements of this Section and Sections 370.110, 370.120(b) and (c) and 370.130 of this Part. No other individual shall be assigned or shall retain responsibility for quality assurance tasks unless the lead interpreting physician has determined that the individual's qualifications for, and performance of, the assignment are adequate.
- 2) Interpreting physicians. All interpreting physicians interpreting mammograms for the facility shall:
 - A) Follow the facility procedures for corrective action when the images they are asked to interpret are of poor quality; and
 - B) Participate in the facility's medical outcomes audit program.
- 3) Medical physicist. Each facility shall have the services of a medical physicist available to survey mammography equipment and oversee the equipment-related quality assurance practices of the facility. At a minimum, the medical physicist(s) shall be responsible for performing the surveys and mammography equipment evaluations and providing the facility with the reports described in Section 370.110(i) of this Part.
- 4) Quality control technologist. Responsibility for all individual tasks within the quality assurance program not assigned to the lead interpreting physician or the medical physicist shall be assigned to a quality control technologist(s). The tasks are to be performed by the quality control technologist or by other personnel qualified to perform the tasks. When other personnel are utilized for these tasks, the quality control technologist shall ensure that the tasks are completed in such a way as to meet the requirements of Section 370.110 of this Part.
- b) Personnel quality assurance records. The lead interpreting physician, quality control technologist and medical physicist shall ensure that records concerning employee qualifications to meet assigned quality assurance tasks, mammography technique and procedures, quality control (including monitoring data, problems detected by analysis of that data, corrective actions and the effectiveness of the corrective actions), safety, and protection are properly maintained and updated. These quality control records shall be kept for each test specified in Section 370.110 of this Part until the next annual inspection has been completed and the Department has determined that the facility is in compliance with the quality assurance requirements or until the test has been performed two additional times at the required frequency, whichever is longer.

Section 370.110 Equipment Quality Assurance Tests

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

EMERGENCY

- a) Daily quality control tests. Film processors used to develop mammograms shall be adjusted and maintained to meet the technical development specifications for the mammography film in use. A processor performance test shall be performed on each day that examinations are performed before any clinical films are processed that day. The test shall include an assessment of base plus fog density, mid-density and density difference, using the mammography film used clinically at the facility.
 - 1) The base plus fog density shall be within plus 0.03 of the established operating level.
 - 2) The mid-density shall be within plus or minus 0.15 of the established operating level.
 - 3) The density difference shall be within plus or minus 0.15 of the established operating level.
- b) Weekly quality control tests. Facilities with screen-film systems shall perform a phantom image quality evaluation test at least weekly, using the Mammography Image Evaluation Protocol found in Section 370.110 of this Part.
 - 1) The optical density of the film at the center of an image of the phantom shall be at least 1.20 when exposed under a typical clinical condition.
 - 2) The optical density of the film at the center of the phantom image shall not change by more than plus or minus 0.20 from the established operating level.
 - 3) The mammography system shall be capable of producing images of the mammography phantom in which the following objects are visualized:
 - A) The three largest masses with thicknesses of 2.0, 1.0 and 0.75 millimeter.
 - B) The three largest speck groups with diameters of 0.54, 0.40 and 0.32 millimeter.
 - C) The four largest fibers with thicknesses of 1.56, 1.12, 0.89 and 0.75 millimeter.
 - 4) The density difference between the background of the phantom and an added test object, used to assess image contrast, shall be measured and shall not vary by more than plus or minus 0.05 from the established operating level.
- c) Quarterly quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least quarterly:
 - 1) Fixer retention in film. The residual fixer shall be no more than 5 micrograms per square cm.
 - 2) Repeat analysis. If the total repeat or reject rate changes from the previously determined rate by more than 2.0 percent of the total films included in the analysis, the reason(s) for the change shall be determined. Any corrective actions shall be recorded and the results of these corrective actions shall be

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

assessed.

- d) Semiannual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least semiannually:

1) Darkroom fog. The optical density attributable to darkroom fog shall not exceed 0.05 when a mammography film of the type used in the facility, which has a mid-density of no less than 1.20, is exposed to typical darkroom conditions for 2 minutes while such film is placed on the counter top emulsion side up. If the darkroom has a safelight used for mammography film, it shall be on during this test.

2) Screen-film contact. Testing for screen-film contact shall be conducted using 40 mesh copper screen. All cassettes used in the facility for mammography shall be tested.

3) Compression device performance. The compression device performance shall:

- A) Be capable of maintaining a compression force of at least 111 newtons (25 pounds) for at least 15 seconds;
- B) Not be capable of exceeding a compression force of more than 209 newtons (47 pounds) when used in an automatic or power drive mode.

e) Annual quality control tests. Facilities with screen-film systems shall perform the following quality control tests at least annually:

1) Automatic exposure control performance.

- A) The AEC shall be capable of maintaining film optical density within plus or minus 0.30 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility. If this requirement cannot be met, a technique chart shall be developed showing appropriate techniques (kVp and density control settings) for different breast thicknesses and compositions that shall be used so that optical densities within plus or minus 0.30 of the average under phototimed conditions can be produced.

B) After October 28, 2002, the AEC shall be capable of maintaining film optical density within plus or minus 0.15 of the mean optical density when thickness of a homogeneous material is varied over a range of 2 to 6 cm and the kVp is varied appropriately for such thicknesses over the kVp range used clinically in the facility.

C) The optical density of the film in the center of the phantom image shall not be less than 1.20.

2) Kilovoltage peak accuracy and reproducibility. The kVp shall be accurate within plus or minus 5 percent of the indicated or selected kVp at:

- A) The lowest clinical kVp that can be measured by a kVp test device;

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- B) The most commonly used clinical kVp;
- C) The highest available clinical kVp; and
- D) At the most commonly used clinical settings of kVp, the coefficient of variation of reproducibility of the kVp shall be equal to or less than 0.02.

3) Focal spot dimensions. Until October 28, 2002, focal spot condition shall be evaluated by measuring focal spot dimensions or by determining system resolution. After October 28, 2002, facilities shall evaluate focal spot condition only by determining the system resolution. For focal spot dimensions, the measured values of the focal spot length (dimension parallel to the anode-cathode axis) and width (dimension perpendicular to the anode-cathode axis) shall be within the tolerance limits specified in this subsection (e)(3).

Focal Spot Tolerance Limit

Nominal Focal Spot Size (mm)	Maximum Measured Dimensions	
	Width (mm)	Length (mm)
0.10	0.15	0.15
0.15	0.23	0.23
0.20	0.30	0.30
0.30	0.45	0.65
0.40	0.60	0.85
0.60	0.90	1.30

4) System Resolution. After October 28, 2002, facilities shall evaluate focal spot condition only by determining the system resolution as follows:

- A) Each x-ray system used for mammography, in combination with the mammography screen-film combination used in the facility, shall provide a minimum resolution of 11 cycles/millimeter (mm) (line-pairs/mm) when a high contrast resolution bar test pattern is oriented with the bars perpendicular to the anode-cathode axis, and a minimum resolution of 13 line-pairs/mm when the bars are parallel to that axis.

B) The bar pattern shall be placed 4.5 cm above the breast support surface, centered with respect to the chest wall edge of the image receptor, and with the edge of the pattern within 1 cm of the chest wall edge of the image receptor.

C) When more than one target material is provided, the measurement shall be made using the appropriate focal spot for each target material.

D) When more than one source-image receptor distance is provided, the test shall be performed at SID most commonly used clinically.

E) Test kVp shall be set at the value used clinically by the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

facility for a standard breast and shall be performed in the AEC mode, if available. If necessary, a suitable absorber may be placed in the beam to increase exposure times. The screen-film cassette combination used by the facility shall be used to test for this requirement and shall be placed in the normal location used for clinical procedures.

- 5) Beam quality and half-value layer (HVL). For mammography systems operating at x-ray tube potentials of less than 50 kVp, the HVL in millimeters of aluminum of the useful beam shall be equal to or greater than the product of the measured tube potential in kilovolts multiplied by 0.01. The half-value layer shall be measured with the compression device in the beam and shall be measured at the same tube potential used in Appendix A of this Part, Mammography Dose Measurement Protocol, and Appendix B of this Part, Mammography Phantom Image Evaluation.

AGENCY NOTE: If the measured half-value layer is significantly greater than the specified minimum, image contrast will be reduced and overall image quality will be degraded. For screen-film mammography systems, it is recommended that the HVL not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum, as specified in the American College of Radiology; Mammography Quality Control for Medical Physicists, Revised Edition, 1994.

- 6) Breast entrance air kerma and AEC reproducibility. The coefficient of variation for both air kerma and mAs shall not exceed 0.05.

- 7) Dosimetry. The average glandular dose delivered during a single cranio-caudal view of a phantom simulating a standard breast shall not exceed 3.0 milligray (mGy) (0.3 rad) per exposure. The dose shall be determined with technique factors and conditions used clinically for a standard breast (see Appendix A of this Part).

- 8) X-ray field/light field/image receptor/compression paddle alignment.

A) All systems shall have beam-limiting devices that allow the useful x-ray beam to extend to or beyond the edges of the image receptor but by no more than 2 percent of the SID.

B) If a light field that passes through the x-ray beam limitation device is provided, it shall be aligned with the edges of the light field and the x-ray field along either the length or the width of the visually defined field at the plane of the breast support surface shall not exceed 2 percent of the SID.

C) The chest wall edge of the compression paddle shall not extend beyond the chest wall edge of the image receptor by more than one percent of the SID when tested with the compression paddle placed above the breast support surface at a distance equivalent to standard breast thickness. The

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

shadow of the vertical edge of the compression paddle shall not be visible on the image.

- 9) Uniformity of screen speed. Uniformity of screen speed of all the cassettes in the facility shall be tested and the difference between the maximum and minimum optical densities shall not exceed 0.30. Screen artifacts shall also be evaluated during this test.

- 10) System artifacts. System artifacts shall be evaluated with a high-grade, defect-free sheet of homogeneous material large enough to cover the mammography cassette and shall be performed for all cassette sizes used in the facility using a grid appropriate for the cassette size being tested. System artifacts shall also be evaluated for all available focal spot sizes and target filter combinations used clinically.

11) Radiation output.

A) The system shall be capable of producing a minimum output of 4.5 mGy air kerma per second (513 mR per second) when operating at 28 kVp in the standard mammography (moly/moly) mode at any SID where the system is designed to operate and when measured by a detector with its center located 4.5 cm above the breast support surface with the compression paddle in place between the source and the detector. After October 28, 2002, the system, under the same measuring conditions, shall be capable of producing a minimum output of 7.0 mGy air kerma per second (800 mR per second) when operating at 28 kVp in the standard (moly/moly) mammography mode at any SID where the system is designed to operate.

B) The system shall be capable of maintaining the required minimum radiation output averaged over a 3.0 second period.

- 12) Decompression. If the system is equipped with a provision for automatic decompression after completion of an exposure or interruption of power to the system, the system shall be tested to confirm that it provides:

A) An override capability to allow maintenance of compression;

B) A continuous display of the override status; and

C) A manual emergency compression release that can be activated in the event of power or automatic release failure.

f) Quality control tests—other modalities. For systems with image receptor modalities other than screen-film, the quality assurance program shall be substantially the same as the quality assurance program recommended by the image receptor manufacturer, except that the maximum allowable dose shall not exceed the maximum allowable dose for screen-film systems in subsection (e)(7) of this Section.

g) Mobile Units. The facility shall verify that mammography units used to produce mammograms at more than one location meet the requirements in subsections (a) through (f) of this Section. In addition, at each examination location, before any examinations are conducted, mobile mammography systems shall be tested using the mammography phantom

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

image evaluation, or shall meet the following requirements:

- 1) A medical physicist shall establish a protocol for measurement of the radiation output of the mammography system, including the radiation measuring device to be used, procedures for performing the measurement and the anticipated result of the measurement.
 - 2) Measurements shall be performed using the technique factors that were used for the most recent phantom image evaluation. If a change is made in the technique factors used for the measurements required in this subsection (g)(2), the image quality shall be tested using the mammography phantom image evaluation protocol found in Appendix B of this Part.
- AGENCY NOTE: If the phantom image evaluation is performed using a photometer, the medical physicist may specify appropriate technique factors that approximate those used by the photometer for the measurements required in this Section.
- 3) After each relocation of a mobile mammography system, measurements of the radiation output of the machine shall be performed according to the protocol established in this Section.
 - 4) If the radiation output measurement exceeds plus or minus 15 percent of the value established by the medical physicist, the system shall not be used to image human patients until the cause for the variation has been investigated and corrected.
 - 5) Records of radiation output measurements for mobile mammography systems shall be maintained at the location of the mammography system for a period of not less than one inspection cycle.

AGENCY NOTE: The Department recommends that mobile mammography systems be tested for image quality after each relocation and prior to use on patients, with mammography phantom image evaluation protocol in Appendix B of this Part.

- h) Use of test results.
 - 1) After completion of the tests specified in subsections (a) through (g) of this Section, the facility shall compare the test results to the corresponding specified action limits, or for nonscreen-film modalities, to the manufacturer's recommended action limits, or for post-move, preexamination testing of mobile units, to the limits established in the test method used by the facility.
 - 2) If the test results fall outside of the action limits, the source of the problem shall be identified and corrective actions shall be taken:
 - A) Before any further examinations are performed or any films are processed using the component of the mammography system that failed the test, if the failed test was that described in subsection (a), (b), (d)(1), (d)(2), (d)(3), (e)(7), (f) or (g) of this Section;
 - B) Within 30 days after the test date for all other tests described in this Section.
- i) Surveys.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- 1) At least once a year, each facility shall undergo a survey by a medical physicist or by an individual under the direct supervision of a medical physicist. At a minimum, this survey shall include the performance of tests to ensure that the facility meets the quality assurance requirements of the annual tests described in subsections (e) and (f) of this Section and the weekly phantom image quality test described in subsection (b) of this Section.
- 2) Calibration of air kerma measuring instruments. Instruments used by medical physicists in their annual survey to measure the air kerma or air kerma rate from a mammography unit shall be calibrated at least once every 2 years and each time the instrument is repaired. The instrument calibration shall be traceable to a national standard and calibrated with an accuracy of plus or minus 6 percent (95 percent confidence level) in the mammography energy range.
- 3) The results of all tests conducted by the facility in accordance with subsections (a) through (g) of this Section, as well as written documentation of any corrective actions taken and their results, shall be evaluated for adequacy by the medical physicist performing the survey.
- 4) The medical physicist shall prepare a survey report that includes a summary of this review and recommendations for necessary improvements.
- 5) The survey report shall be sent to the facility within 30 days after the date of the survey.
- 6) The survey report shall be dated and signed by the medical physicist performing or supervising the survey. If the survey was performed entirely or in part by another individual under the direct supervision of the medical physicist, that individual and the part of the survey that individual performed shall also be identified in the survey report.
- j) Mammography equipment evaluations. Additional evaluations of mammography units or image processors shall be conducted whenever a new unit or processor is installed, a unit or processor is disassembled and reassembled at the same or a new location, or major components of a mammography unit or processor equipment are changed or repaired. These evaluations shall be used to determine whether the new or changed equipment meets the requirements of applicable standards in this Section and Section 370.80 of this Part. All problems shall be corrected before the new or changed equipment is put into service for examinations or film processing. The mammography equipment evaluation shall be performed by a medical physicist or by an individual under the direct supervision of a medical physicist.

Section 370.120 Additional Administrative Requirements
EMERGENCY

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

a) Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each mammography patient that the patient is provided with a pamphlet that is orally reviewed with the patient and that contains the following:

- 1) How to perform breast self-examination;
- 2) That early detection of breast cancer is maximized through a combined approach, using monthly breast self-examination, a thorough physical examination performed by a physician, and mammography performed at recommended intervals;
- 3) That mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective;
- 4) If the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received information regarding public health services where she can obtain a breast examination and instructions. [420 ILCS 40/5(c)]

b) Facility cleanliness.

- 1) The facility shall establish and implement adequate protocols for maintaining darkroom, screen and view box cleanliness.

2) The facility shall document that all cleaning procedures are performed at the frequencies specified in the protocols.

c) Infection control. Facilities shall establish and comply with a system specifying procedures to be followed by the facility for cleaning and disinfecting mammography equipment after contact with blood or other potentially infectious materials. This system shall specify the methods for documenting facility compliance with the infection control procedures established and shall:

- 1) Comply with the manufacturer's recommended procedures for the cleaning and disinfection of the mammography equipment used in the facility; or
- 2) If adequate manufacturer's recommendations are not available, comply with generally accepted guidance on infection control, until such recommendations become available.

d) Mammographic procedure and techniques for mammography of patients with breast implants.

- 1) Each facility shall have a procedure to inquire whether or not the patient has breast implants prior to the actual mammographic exam.
- 2) Except where contraindicated, or unless modified by a physician's directions, patients with breast implants undergoing mammography shall have mammographic views to maximize the visualization of breast tissue.

e) Consumer complaint mechanism. Each facility shall:

- 1) Establish a written and documented system for collecting and resolving consumer complaints;
- 2) Maintain a record of each serious complaint received by the facility for at least 3 years after the date the complaint was

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

received;

- 3) Provide the consumer with adequate directions for filing serious complaints with the facility's accreditation body if the facility is unable to resolve a serious complaint to the consumer's satisfaction;

- 4) Report unresolved serious complaints to the accreditation body in a manner and timeframe specified by the accreditation body.

f) Clinical image quality. Clinical images produced by any certified facility shall continue to comply with the standards for clinical image quality established by that facility's accreditation body.

Section 370.130 Mammography Medical Outcomes Audit

EMERGENCY

Each facility shall establish and maintain a mammography medical outcomes audit program to follow up positive mammographic assessments and to correlate pathology results with the interpreting physician's findings. This program shall be designed to ensure the reliability, clarity and accuracy of the interpretation of mammograms.

- a) General requirements. Each facility shall establish a system to collect and review outcome data for all mammograms performed, including followup on the disposition of all positive mammograms and correlation of pathology results with the interpreting physician's mammography report. Analysis of these outcome data shall be made individually and collectively for all interpreting physicians at the facility. In addition, any cases of breast cancer among women imaged at the facility that subsequently become known to the facility shall prompt the facility to initiate followup on surgical and/or pathology results and review of the mammograms taken prior to the diagnosis of a malignancy.

b) Frequency of audit analysis. The facility's first audit analysis shall be initiated no later than 12 months after the date the facility becomes certified, or 12 months after April 28, 1999, whichever date is the latest. This audit analysis shall be completed within an additional 12 months to permit completion of diagnostic procedures and data collection. Subsequent audit analyses will be conducted at least once every 12 months.

c) Reviewing interpreting physician. Each facility shall designate at least one interpreting physician to review the medical outcomes audit data at least once every 12 months. This individual shall record the dates of the audit period(s) and shall be responsible for analyzing results based on this audit. This individual shall also be responsible for documenting the results, notifying other interpreting physicians of their results and the facility aggregate results. If followup actions are taken, the reviewing interpreting physician shall also be responsible for documenting the nature of the followup.

Section 370.140 Additional Mammography Review and Patient Notification

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

EMERGENCY

- a) If the Department believes that mammography quality at a facility has been compromised and may present a serious risk to human health, the facility shall provide clinical images and other relevant information, as specified by the Department, for review by the accreditation body. This additional mammography review will help the Department to determine whether the facility is in compliance with this Section and, if not, whether there is a need to notify affected patients, their physicians or the public that the reliability, clarity and accuracy of interpretation of mammograms has been compromised.
- b) If the Department determines that any activity related to the provision of mammography at a facility may present a serious risk to human health such that patient notification is necessary, the facility shall notify patients or their designees, their physicians or the public of action that may be taken to minimize the effects of the risk. Such notification shall occur within a timeframe and in a manner specified by the Department.

Section 370.150 Revocation of Accreditation and Revocation of Accreditation Body Approval
EMERGENCY

If a facility's accreditation is revoked by an accreditation body, the Department may conduct an investigation into the reasons for the revocation. Following such investigation, the Department may act to suspend or revoke the facility's certificate and may take whatever other action or combination of actions will best protect the public health, including requiring the establishment and implementation of a corrective plan of action that will permit the certificate to continue in effect while the facility seeks reaccreditation. A facility whose certificate is suspended or revoked because it has lost its accreditation may not practice mammography.

Section 370.160 Suspension or Revocation of Certificates
EMERGENCY

- a) Except as provided in subsection (b) of this Section, the Department may suspend or revoke a certificate if the Department finds, after providing the owner or operator of the facility with notice and opportunity for hearing in accordance with 32 Ill. Adm. Code 200, that the owner, operator or any employee of the facility:
 - 1) Has been guilty of misrepresentation in obtaining the certificate;
 - 2) Has failed to comply with the standards of Sections 370.70, 370.80, 370.90, 370.100, 370.110, 370.120 and 370.130 of this Part;
 - 3) Has failed to comply with reasonable requests of the Department or the accreditation body for records, information, reports, or

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

materials that the Department believes are necessary to determine the continued eligibility of the facility for a certificate or continued compliance with the standards of Sections 370.70, 370.80, 370.90, 370.100, 370.110, 370.120, 370.130 and 370.140 of this Part;

- 4) Has refused a reasonable request of a duly designated FDA inspector, Department inspector, or accreditation body representative for permission to inspect the facility or the operations and pertinent records of the facility;
- 5) Has violated or aided and abetted in the violation of any provision of this Part;
- 6) Has failed to comply with prior sanctions imposed by the Department; and
- 7) Has failed to pay any required fees.
- b) The Department may suspend the certificate of a facility before holding a hearing if the Department determines that:
 - 1) The failure to comply with required standards presents a serious risk to human health;
 - 2) The refusal to permit inspection makes immediate suspension necessary; or
 - 3) There is reason to believe that the violation or aiding and abetting of the violation was intentional or associated with fraud.
- c) If the Department suspends a certificate in accordance with subsection (b) of this Section:
 - 1) The Department shall provide the facility with an opportunity for a hearing under 32 Ill. Adm. Code 200 not later than 30 days after the effective date of the suspension;
 - 2) The suspension shall remain in effect until the Department determines that:
 - A) Allegations of violations or misconduct were not substantiated;
 - B) Violations of required standards have been corrected to the Department's satisfaction; or
 - C) The facility's certificate is revoked in accordance with subsection (d) of this Section.
 - d) After providing a hearing in accordance with subsection (c)(1) of this Section, the Department may revoke the facility's certificate if the Department determines that the facility:
 - 1) Is unwilling or unable to correct violations that were the basis for suspension; or
 - 2) Has engaged in fraudulent activity to obtain or continue certification.

Section 370.170 Mammography Units Used for Localization or Biopsy Procedures
EMERGENCY

- a) Personnel. The following requirements apply to all personnel involved

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

in localization or biopsy procedures performed with mammography units:

- 1) The mammography unit shall be operated by or under the direction of a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60].
- 2) Radiologic technologists operating mammography units for localization or biopsy procedures shall meet the general requirements, mammography requirements and continuing education and experience requirements as specified in Section 370.70(b) of this Part.
- 3) Medical physicists who perform and provide oversight of quality assurance programs for mammography units used for biopsy procedures shall meet the requirements of Section 370.70(c) of this Part.
- b) Equipment. Mammography units used for localization or biopsy procedures shall meet the requirements of Section 370.80 of this Part, except that digital output mammography systems that do not use screen-film image receptors are exempt from the requirements of Section 370.80 of this Part as they relate to screen-film image receptors.
- c) Quality assurance. Each facility shall establish and maintain a quality assurance program to ensure the safety, reliability, clarity and accuracy of mammography localization or biopsy procedures performed at the facility.
 - 1) Each facility shall have the services of a medical physicist available to survey mammography equipment and to oversee the equipment-related quality assurance practices of the facility.
 - 2) The quality assurance program shall be in writing and shall have been developed by a medical physicist. The program shall include, but need not be limited to, the following:
 - A) Specifications of the tests that are to be performed, including instructions to be employed in the performance of those tests; and
 - B) Specifications of the frequency at which tests are to be performed, the acceptable tolerance for each parameter measured and actions to be taken if tolerances are exceeded.
 - 3) The medical physicist shall conduct a review of the quality assurance program each year. Such review shall include evaluation of the results of quality assurance testing.
- d) Each facility shall maintain written records of the radiation dose measurements and quality assurance testing performed, as required in this Section, for inspection by the Department for a period of at least one year. Such records shall include, but need not be limited to, the following:
 - 1) The date of the test and identification of the person performing the test;
 - 2) Identification of the type of testing that was performed; and
 - 3) Notation of whether the results of the testing were within the parameters established by the medical physicist.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

AGENCY NOTE: The Department recommends that facilities performing interventional mammography seek accreditation through the Stereotactic Breast Biopsy Program of the American College of Radiology.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

**Section 370. APPENDIX A Mammography Dose Measurement Protocol
EMERGENCY**

The technique factors used for performing a mammography examination shall not permit the mean glandular absorbed dose to exceed the limits specified in Section 370.110(e)(7) of this Part. Radiation measurements shall be performed with an integrating radiation measuring device that is appropriate to the high beam intensity and mammographic kilovoltage peak (kVp) used, and sufficiently sensitive to determine compliance with the criteria specified in Section 370.110(i)(2) of this Part. The instrument shall have been calibrated as specified in Section 370.110(i)(2) of this Part.

The mammography exam dose limits are based on an average compressed breast value of 4.2 centimeters having an average density (i.e., 50 percent adipose and 50 percent glandular).

Perform the following steps to determine the mean glandular dose to a nominal 4.2 centimeter compressed breast:

- a) Measure and record the x-ray system's useful beam half-value layer (HVL). (See Section 370.110(e)(5) of this Part.) Any compression device normally in the useful beam during mammography procedures shall be required to be placed between the x-ray tube target and measuring device when determining the HVL. The useful beam shall be collimated to a size encompassing the detector.

AGENCY NOTE: Filters used for the HVL evaluation should be placed as close to the target as practical. The HVL for screen-film mammography should not exceed the minimum acceptable HVL by more than 0.1 millimeter of aluminum equivalent.

- b) Determine the glandular dose to entrance exposure factor from the Mammography Dose Evaluation Table (see Table A of this Part) using the appropriate HVL, kVp and x-ray tube target-filter material.

AGENCY NOTE: The kVp of screen-film mammography systems with molybdenum target-filter combinations should be accurately measured to determine the appropriate glandular dose to entrance exposure factor from Table A of this Part.

- c) If the equipment has the capability for variable source-image receptor distance, set the cranio-caudal source-image receptor distance (SID) for the image receptor system used.

- d) Position in the useful beam any compression apparatus normally used.

AGENCY NOTE: Some mammography systems have the capability of providing automatic adjustment of technique factors through feedback from the position of the compression device. On such systems, the compression device should be lowered to a position 4.2 centimeters above the breast support assembly (BSA). The device should then be

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

removed, inverted and replaced to allow placement of the phantom and measuring device on the BSA below the compression device. If the compression device cannot be replaced in an inverted position, the device should be placed in the beam using auxiliary support.

- e) Placement of the Radiation Measuring Device

- 1) For systems equipped with automatic exposure control (AEC):

- A) Place a properly loaded film cassette in the cassette holder.

AGENCY NOTE: The loaded cassette is placed in the cassette holder to simulate, as much as is possible, the conditions under which actual patient exposures are made. Following radiation measurements, the film should be discarded and the cassette reloaded with unexposed film.

- B) Place a mammography phantom (see the definition for "Phantom" in Section 370.20 of this Part) on the breast support assembly (BSA). Align the phantom so that the edge of the phantom is aligned with the chest wall side of the BSA and the phantom is over the automatic exposure control device(s).

- C) Place a radiation measuring device in the useful beam so the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned 4.5 centimeters above the BSA, 2.5 centimeters from the chest wall edge of the BSA and immediately adjacent to either side of the mammography phantom.

- 2) For systems not equipped with AEC, place a radiation measuring device in the useful beam so that the center axis of the device is parallel to the breast support assembly (BSA). The geometric center of the measuring device shall be positioned so that it is centered 4.5 centimeters above the BSA, 2.5 centimeters from the chest wall edge of the BSA and at the center line of the BSA. No part of the device's detector area shall be outside of the useful beam.

- f) Collimate the x-ray field to the size normally used and assure that the area covered by the useful beam includes the detector area of the radiation measuring device and the mammography phantom if the equipment is equipped with automatic exposure.

- g) Set the appropriate technique factors or automatic exposure controls normally used for a nominal 4.2 centimeter compressed breast.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

- h) Measure and record the exposure in air with the radiation measuring device.

- i) Calculate the mean glandular dose for a 4.2 centimeter compressed breast by multiplying the measured exposure in millicoulombs per kilogram or in roentgens by the glandular dose to entrance exposure factor, which was determined using the procedure described in subsection (b) of this Section.

EXAMPLE: A mammography system is provided with a molybdenum target-filter combination, and the HVL and kVp are determined to be 0.3 and 30, respectively. Therefore, for a 4.2 centimeter compressed breast, the glandular dose to entrance exposure factor from the Mammography Dose Evaluation Table (Table A of this Part) would be 159 mrad. The measured roentgen output determined in subsection (h) of this Appendix is determined to be 1.8 R. Therefore, the mean glandular dose would be 1.8 R multiplied by 159 mrad/R. This results in a mean glandular dose measurement of 286 mrad. As such, the system would be in compliance with Section 370.110(e)(7) of this Part.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

**Section 370.APPENDIX B Mammography Phantom Image Evaluation
EMERGENCY**

Mammography phantom image evaluation shall be performed using the procedure below. The evaluation shall be performed weekly as a part of the quality assurance program. The evaluation shall be performed with the mammography phantom specified in Section 370.20 of this Part.

- a) Equipment necessary for mammography phantom image evaluation includes a densitometer, the mammography phantom and mammographic cassette and film.
- b) Load film in the mammographic cassette according to the manufacturer's instructions.
- c) Place the properly loaded cassette in the cassette holder.
- d) Place the mammography phantom on the breast support assembly (BSA) so that the edge of the phantom is aligned with the chest wall side of the BSA. Align the phantom so that the masses in the phantom are nearest the chest wall edge of the BSA and the fibers in the phantom are away from the chest wall edge of the BSA. If the mammography machine has the capability of automatic exposure control, place the phantom so that the phantom covers the phototimer sensor.
- e) Position the compression device so that it is in contact with the phantom.
- f) Select the technique factors used most frequently in the clinical setting for a 4.2 centimeter compressed breast and make an exposure of the phantom.
- g) Process the film in the processor used for clinical mammography films.
- h) Examine the processed image for areas of non-uniformity of optical density and for the presence of artifacts due to dirt, dust, grid lines or processing.
AGENCY NOTE: If any of the problems noted above are evident on the processed image, the mammography machine film processor and film cassette(s) should be evaluated and the problem corrected. The phantom image evaluation should be repeated after the problem is corrected.
- i) Measure and record the optical density of the film near the center of the phantom image. The optical density of the film at the center of the image of the phantom shall be at least 1.20 when exposed under a typical clinical condition.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

- j) Examine the phantom image and count and record the number of masses visualized. Repeat this procedure for the speck groups and the fibrils and record the number of objects visualized. There are a total of 16 imaging objects (5 masses, 5 speck groups and 6 fibrils) in the phantom. Evaluation criteria for objects visualized in the phantom image are in Section 370.110(b)(3) of this Part. As a minimum, the objects that must be visualized in the phantom image are:
- 1) The masses that are 0.75 millimeter or larger (a total of 3 masses);
 - 2) The speck groups that are 0.32 millimeter or larger (a total of 3 speck groups);
 - 3) The fibrils that are 0.75 millimeter or larger (a total of 4 fibrils).

AGENCY NOTE: The phantom image should be compared with previous films, including the original phantom image, to determine if subtle changes are occurring from week to week.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULE(S)

Section 370. TABLE A Mammography Dose Evaluation Table
EMERGENCY

This table is used to determine the mean glandular dose in milligrays delivered by 25.8 mC/kg (or millirad) delivered by 1 R in air incident on a 4.2 centimeter thickness compressed breast of average density (50 percent adipose and 50 percent glandular tissue). Values listed are for the first half-value layer (HVL) in millimeters of aluminum (mm Al), for x-ray tube target-filter combinations of molybdenum/molybdenum (Mo/Mo) and tungsten/ aluminum (W/Al). Linear extrapolation or interpolation shall be made for any HVL not listed.

Mean Glandular Dose in milligrays for 25.8 mC/kg (or millirad for 1 R) Entrance Exposure for a 4.2 Centimeter Compressed Breast of Average Density

HVL (mm Al)	Mo/Mo Target-Filter X-Ray Tube Voltage (kVp)										W/Al Target- Filter Combination
	23	24	25	26	27	28	29	30	31	32	33
0.23	116										
0.24	121	124									
0.25	126	129	131								
0.26	130	133	135	138							
0.27	135	138	140	142	143						
0.28	140	142	144	146	147	149					
0.29	144	146	148	150	151	153	154				
0.30	149	151	153	155	156	157	158	159			170
0.31	154	156	157	159	160	161	162	163	164		175
0.32	158	160	162	163	164	166	167	168	168	170	180
0.33	163	165	166	168	169	170	171	173	173	174	185
0.34	168	170	171	172	173	174	175	176	177	178	190
0.35		174	175	176	177	178	179	180	181	182	194
0.36			179	181	182	183	184	185	185	186	196
0.37				185	186	187	188	189	190	191	204
0.38					190	191	192	193	194	195	208
0.39						196	197	198	199	200	213
0.40							201	202	203	204	217

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY REPEALER

NOTICE OF EMERGENCY RULE(S)

HVL (mm AL)	Mo/Mo Target-Filter X-Ray Tube Voltage (kVp)										W/AI Target- Filter Combination	
	23	24	25	26	27	28	29	30	31	32	33	
0.41								206	207	208	208	221
0.42									211	212	212	225
0.43										215	216	230
0.44												234
0.45												238

AGENCY NOTE: Adapted from: Mammography Quality Control Manual: Medical Physicist's Section, Revised Edition, 1994.

1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 535

3) Section Numbers: None
Proposed Action: Repeal of Part

4) Statutory Authority: 30 ILCS 505

5) Effective Date of Repealer: July 28, 1998

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable

7) Date Filed with the Index Department: July 28, 1998

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: There was not sufficient time to complete the repeal process prior to July 1, 1998, when the new Procurement Code took effect.

10) A Complete Description of the Subjects and Issues Involved: Public Act 89-4 changed the configuration and nomenclature associated with Illinois public universities governing boards, so these procurement rules are obsolete. These board of trustees are subject to 44 Ill. Adm. Code 526.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding this repealer shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana IL 61801
217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

The full text of the emergency repealer begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER V: BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY

PART 535

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING (REPEALED)

(Editor's Note: This Part was is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-4, effective January 1, 1996, reorganized the governing boards of the Illinois public universities into individual boards of trustees. These boards of trustees are subject to 44 Ill. Adm. Code 526. ~~the text-of-this-Part-appears-at-44-III--Adm--Code-5257~~)

(SOURCE: Part repealed by emergency rulemaking at 22 Ill. Reg. 15018, effective July 28, 1998, for a maximum of 150 days)

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding

2) Code Citation: 44 Ill. Adm. Code 540

3) Section Numbers:
None
Proposed Action:
Repeal of Part

4) Statutory Authority: 30 ILCS 505

5) Effective Date of Repealer: July 28, 1998

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable

7) Date Filed with the Index Department: July 28, 1998

8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: There was not sufficient time to complete the repeal process prior to July 1, 1998, when the new Procurement Code took effect.

10) A Complete Description of the Subjects and Issues Involved: Public Act 89-4 changed the configuration and nomenclature associated with Illinois public universities governing boards, so these procurement rules are obsolete. These boards of trustees are subject to 44 Ill. Adm. Code 526.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.

13) Information and questions regarding this repealer shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana IL 61801
217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

The full text of the emergency repealer begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER V: BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY

PART 540

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING [REPEALED]

(Editor's Note: This Part was ~~is~~ a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-4, effective January 1, 1996, reorganized the governing boards of the Illinois public universities into individual boards of trustees. These boards of trustees are subject to 44 Ill. Adm. Code 526. ~~the text of this Part appears at 44-III-Adm-Code-525.~~)

SOURCE: Part repealed by emergency rulemaking at 22 Ill. Reg. 15021, effective July 28, 1998, for a maximum of 150 days.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding
- 2) Code Citation: 44 Ill. Adm. Code 530
- 3) Section Numbers: None
Proposed Action: Repeal of Part
- 4) Statutory Authority: 30 ILCS 505
- 5) Effective Date of Repealer: July 28, 1998
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which they expire: Not applicable
- 7) Date Filed with the Index Department: July 28, 1998
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: There was not sufficient time to complete the repeal process prior to July 1, 1998, when the new Procurement Code took effect.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 89-4 changed the configuration and nomenclature associated with Illinois public universities governing boards, so these procurement rules are obsolete. These boards of trustees are subject to 44 Ill. Adm. Code 526.
- 11) Are there any proposed amendments to this Part Pending? No
- 12) Statement of Statewide Policy Objectives: This proposed repealer does not create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding this repealer shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana IL 61801
217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

The full text of the emergency repealer begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF EMERGENCY REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER III: BOARD OF GOVERNORS OF STATE COLLEGES
AND UNIVERSITIES

PART 530

JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS OF
STATE COLLEGES AND UNIVERSITIES, THE BOARD OF TRUSTEES OF
THE UNIVERSITY OF ILLINOIS, AND THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY:
PROCUREMENT AND BIDDING (REPEALED)

(Editor's Note: This Part was is a joint rule of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University. Public Act 89-4, effective January 1, 1996, reorganized the governing boards of Illinois public universities into individual boards of trustees. These boards are subject to 44 Ill. Adm. Code 526. ~~The text of--this Part--appears at--44-III--Adm--Code--525--~~)

SOURCE: Part repealed by emergency rulemaking at 22 Ill. Reg. **15024**, effective July 28, 1998, for a maximum of 150 days.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation 89 Ill. Adm. Code 148
- 3) Section Numbers
148.270 Emergency Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code
[305 ILCS 5/12-13] and Public Act 90-588
- 5) Effective Date: August 1, 1998

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

- 7) Date Filed in Agency's Principal Office: August 1, 1998

- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the State's budget implementation plan for fiscal year 1999 and are intended to provide necessary reimbursement adjustments for children's hospitals that were established after June 30, 1995. These changes are mandated by Section 14-8 of Public Act 90-588. Immediate implementation of these amendments will provide these children's hospitals with rate adjustments to ensure equitable rates and the availability of essential medical care for children. Emergency rulemaking is specifically authorized for the implementation of these reimbursement changes for fiscal year 1999 by Section 5-45 of Public Act 90-588.

- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules concerning hospital services are necessary to augment reimbursement levels for recently established children's hospitals. These changes in payment methodology will provide rate parity between recently established children's hospitals and children's hospitals that existed prior to June 1995. Such older hospitals have rates that were annually increased for medical inflation prior to the implementation of rate maintenance. These emergency changes in payment methodology are mandated by Section 14-8(a)(2) of Public Act 90-588.

These emergency amendments are expected to result in an annual expenditure of approximately \$5 million.

- 10) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.82	Amendment	May 15, 1998 (22 Ill. Reg. 8356)
148.120	Amendment	July 17, 1998 (22 Ill. Reg. 12471)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- | | | |
|---------|-------------|------------------------------------|
| 148.140 | Amendment | July 17, 1998 (22 Ill. Reg. 12471) |
| 148.295 | Amendment | July 17, 1998 (22 Ill. Reg. 12471) |
| 148.296 | Amendment | July 17, 1998 (22 Ill. Reg. 12471) |
| 148.297 | Amendment | July 17, 1998 (22 Ill. Reg. 12471) |
| 148.298 | New Section | July 17, 1998 (22 Ill. Reg. 12471) |

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

- Section
148.10 Hospital Services
148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services
148.80 Organ Transplant Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.90 Heart Transplants (Repealed)
148.100 Liver Transplants (Repealed)
148.110 Bone Marrow Transplants (Repealed)
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991 Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem
EMERGENCY
148.280 Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.285 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
Excellence in Academic Medicine Payments

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payment (CHAP)
148.296 Supplemental Critical Hospital Adjustment Payments (SCHAP)
148.297 Pediatric Outpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390 Hearings
148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days.

Section 148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals

EMERGENCY

- a) Calculation of Alternate Cost Per Diem Rates for All Hospitals
For all hospitals, regardless of the hospital's reimbursement methodology, the Department shall first calculate the hospital's alternate cost per diem rate, as calculated under Section 148.260, derived from the provider's base period cost reports, as described in Section 148.25(g)(1).
- b) Calculation of Payment Rates for Certain Exempt Hospital Units
 - 1) For admissions occurring within the rate period described in Section 148.25(g)(2)(A):
 - A) In the case of a distinct part unit, as described in 89 Ill. Adm. Code 149.50(d), the Department shall divide the hospital's Medicaid charges per diem (identified on adjudicated claims submitted by the provider during the most recently completed fiscal year for which complete data are

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- available) related to the distinct part unit by the hospital's total charge per diem for all claims for the same time period.
- B) The resulting quotient, as calculated in subsection (b)(1)(A) above, shall be multiplied by the hospital's total operating cost per diem, as calculated in Section 148.260(a)(1)(B).
 - C) The capital related cost per diem, as calculated in Section 148.260(a)(2), is then added to the resulting product calculated in subsection (b)(1)(B) above, subject to the inflation adjustment described in Section 148.260(c)(1).
 - D) Subject to the provisions of subsections **subsection (b)(1)(E)** and **(b)(1)(F)** below, the final distinct part unit payment rate shall be the lower of:
 - i) The result of the calculations described in subsections (b)(1)(A) through (b)(1)(B) above; or
 - ii) The hospital's alternate cost per diem rate, as calculated in subsection (a) above.
 - E) In no case shall the hospital's final distinct part unit payment rate be greater than three standard deviations above the mean distinct part unit payment rate.
 - F) In the case of a new distinct part unit for which the Department has insufficient adjudicated claims history data available, the Department shall utilize the average payment rate calculated under this subsection (b)(1) for like distinct part units.
- 2) For admissions occurring within a rate period described in Section 148.25(g)(2)(B), the distinct part unit payment rate shall be the distinct part unit payment rate in effect on June 30, 1993, as calculated under subsection (b)(1) above, updated to the midpoint of the current rate period, using the TFRA price inflation factor.
 - c) In the case of a new hospital (not previously owned or operated), a hospital that has significantly changed its case-mix profile (e.g., a general acute care hospital changing its case-mix to reflect a predominance of long term care patients), or an out-of-state non cost-reporting hospital, reimbursement for inpatient services shall be as follows:
 - 1) For general acute-care hospitals, reimbursement for inpatient services shall be at the average payment rate calculated under subsection (a) or (b) above, as applicable, for those hospitals reimbursed under 89 Ill. Adm. Code 149.
 - 2) For psychiatric hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(1), reimbursement for inpatient psychiatric services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(1).
 - 3) For rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), reimbursement for inpatient rehabilitation services

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(2).

- 4) For long term stay hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(4), reimbursement for inpatient services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(4).

- 5) For children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3), reimbursement for inpatient services:

A) provided before August 1, 1998, shall be at the average rate calculated under subsection (a) above for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(3);

B) provided on or after August 1, 1998, for a children's hospital that was licensed as such by a municipality after June 30, 1995, shall be equal to the average rate calculated in Section 148.280 for children's hospitals in existence before June 30, 1995, with an average length of stay that was less than 14 days as determined from the hospital's fiscal year 1994 cost report.

(Source: Emergency amendment at 22 Ill. Reg. **15027**, effective August 1, 1998, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC INFORMATION

NOTICE OF NAMES OF PERSONS APPEARING
TO BE OWNERS OF UNCLAIMED PROPERTY WHOSE
LAST KNOWN ADDRESSES ARE IN CERTAIN STATES

TITLE: 38 FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

Pursuant to statutory requirement, the Illinois Department of Financial Institutions is publishing the names and last known addresses of unclaimed property; owners whose last known addresses are allegedly in a state other than Illinois. The other state does not have reciprocity arrangement with Illinois.

If your name or that of a person you represent appears below, you may contact the Department for further information about the assets.

INQUIRIES MUST BE IN WRITING. The written inquiry should include the name and address as listed, and the correct name and address for reply. If inquiring about a name other than your own, you must indicate your authority to act on behalf of that person.

Address written inquiries to:

UNCLAIMED PROPERTY DIVISION
DEPARTMENT OF FINANCIAL INSTITUTIONS
P.O. BOX 19495
Springfield, Illinois 62794-9495

AUTHORITY: Implementing and required by the Illinois Uniform Disposition of Unclaimed Property Act, (765 ILCS 1025/12).

A A WORLD SERVICES INC	PO BOX 459 NEW YORK	NY 10163
ACADEMY OF SCIENTIFIC HAIR DESIGN	8211 OAK STREET NEW ORLEANS	LA 70118
ACCIDENT & INDUST INJURY CTR	2005 S TEAK AVE SRVAN	TX 77802
ADAMS & LIST ASSOCIATES LTD	PO BOX 2535 SECAUCUS	NJ 07096
ADDUCI FRANK	PALAZZO ANGIO TREBISACCE COSENZA ITA	FA 00000
ADDUCI GINETLA	PALAZZO ANGIO TREBISACCE COSENZA ITA	FA 00000
ADOBE SYSTEMS INC FULFILLMENT CENTER	PO BOX 5224 ENGLEWOOD	CO 80155
ADVANCE TOYS MANUFACTORY	BAOAN SHENZHEN GUANGDONG CHINA	FA 00000
AETNA	PO BOX 171827 MEMPHIS	TN 38187
AETNA	PO BOX 28060 SAN ANTONIO	TX 78228
AETNA	WINDSOR CTR 80 LAMBERTON PO BOX 706 WINDSOR	CT 06095
AETNA	3541 W ROOSEVELT ALLENTOWN	PA 18195
AETNA	3541 WINCHESTER RD ALLENTOWN	PA 18195
AETNA	3541 WINCHESTER ROAD ALLENTOWN	PA 18195
AETNA INSURANCE	PO BOX 1738 READING	PA 19603
AETNA INSURANCE	PO BOX 7012 DOVER	DE 19903
AETNA INSURANCE	PO BOX 795083 SAN ANTONIO	TX 78279
AETNA INSURANCE	PO 171827	

MEMPHIS	TN 38187
AETNA INSURANCE O	PO BOX 20535 ATLANTA
AETNA LIFE	8700 STATE LINE LEAWOOD
AETNA LIFE & CASUALTY	PO BOX 4010 HARTFORD
AETNA LIFE & CASUALTY	PO BOX 800 ENFIELD
AETNA LIFE & CASUALTY	3541 WINCHESTER RD ALLENTOWN
ALABAMA AVE FURNITURE	801 19TH STREET HALLEYVILLE
ALAMO RENT A CAR	1285 AVE OF THE AMERICAS FLR NEW YORK
ALCOA TENN FED CU	PO BOX 9001 ALCOA
ALFARO EDUARDO	ITURBIDE 30 EST HUIGO ARARO MICHOAC FA 00000
ALLIED BROWNSVILLE	SUITE A 600 ELCA LANE BROWNSVILLE
ALTER BARGE	2117 STATE STREET BETTENDORF
AMERICAN ACADEMY OF AUDIO	6565 FANNIN NA 200 HOUSTON
AMERICAN ACADEMY OF AUDIO	6565 FANNIN NA200 HOUSTON
AMERICAN COLLEGE OF GASTROENTEROLOGY	PO BOX 452 OWING
AMERICAN HEART ASSN	7272 GREENVILLE AVE DALLAS
AMERICAN MOTOR CARRIER DIRECTORY	10 LAKE DRIVE HIGHTSTOWN
AMERICAN PACIFIC	PO BOX 10300 TAMUNING GUAM GUAM

AMERICAN SELF CARE 233 12TH STREET
COLUMBUS GA 31901

AMERICAN SERVICE LIFE INS 200 BAILEY AVE
FT WORTH TX 76107

AMERICAN TRAILER RELOCATOR STE 302 5600 GREENWOOD PLAZA
GREENWOOD VALLEY CO 80111

ANDERSON JOHN A 9000 TROMSO PETERSBURG GATE 65
NORWAY NORWAY FA 00000

ANDERSON SANDRA K 1105 COTTONWOOD
VANBERG AF BASE CA 93437

ANDERSON KILL OLICK 666 THIRD AVENUE
NEW YORK NY 10017

APPLIED AXIOMATICS I SUITE 7901 350 FIFTH AVENUE
NEW YORK NY 10118

ARCHIE THERESA 439 WATER OAK LANE
TALLADEGA AL 35160

ARIZONA MEDICAL ASSOC IL 00000

ARKANSAS RECLAMATION PO BOX 3108
EAST CAMDEN AR 71701

ARZ ST OF WORKMANS AZ 00000

ASOCIACION MEXICANA DE INGENIEROS Y COL NARVARTE EUGENIA NO 240 DESP 4 E
FA 00000

ASSOC DE GARANTIA DE SEGUROS DE VIDS E PUERTO RICO
FA 00000

AUSTIN GUS 144 BELLEVUE DR
BATON ROUGE LA 70806

AVW AUDIO VISUAL 2241 IRVING BLVD
DALLAS TX 75207

BABANI ASHA D 30 ALBERT ST BELIZE CITY OTA
FA 00000

BABB EMPLOYEE BENEFIT PLA 850 RIDGE AVENUE
PITTSBURGH PA 15212

BACKMAN KATHLEEN D 1236 STATE ST
SYRACUSE NY 13202

BANKERS INTERNATIONAL INVESTMENT CORP PO BOX 272 NASSAU BAHAMAS
BAHAMAS FA 00000

BARNES CORTNEY H APT 174 203 WARRIOR DR
MURFREESBORO TN 37129

BARNES LORI K APT 174 203 WARRIOR DR
MURFREESBORO TN 37129

BARNETT RICHARD K 26 E 55TH ST
BROOKLYN NY 11203

BASSOONSWEDELER JANE JABOBI HOSPITAL DEPT OF PEDIATRICS
BRONX NY 10461

BATOCANIN MILOJKO VECE KORCAGINA 71 14 37240 TRSTENIK
FA 00000

BAUMER BERTHA 344 S 10TH
SAGINAW MI 48601

BAXTER EDWARDS DIVISION BOX 33041
NEWARK NJ 07188

BEACON MEDICAL SERVICES 14231 E FOURTH ST 101
AURORA CO 80011

BEECH GARY 2335 VALENTINE AVENUE
BRONX NY 10458

BELL ATLANTIC LEASING PO BOX 921
PARAMUS NJ 07653

BELLGRAVE JOSEP BARBADOS WEST INDIES FA 00000

BELLOWS FREE ACADEMY SOUTH MAIN STREET
ST ALBANS VT 05478

BELTRAN JUAN A CASA 84 2A SECTION ENSENADA
MEXICO FA 00000

BEN RAY FARMS STE 3127 5100 POPLAR ST
MEMPHIS TN 38137

BERGAMESCA DAVID 53 JACKSON AVE
CARTERET NJ 07008

BERMAN ROBERT L PSC 2623 APO NEW YORK

BERRY	LUCILLE	1953 BONNEVILLE DRIVE BOX 308 CANADA	FA 00000
BILANSKI	SHIRLEY	M 71 STONE RD EAST GUELPH ONTARIO N1G CANADA	FA 00000
BLUE CROSS OF ALABAMA		PO BOX 10886 BIRMINGHAM	AL 00000
BLUE CROSS OF CONNECTICUT		100 BRIDGEPROT SHELTON	CT 06484
BOARD OF PENSION CHURCH		1027 ARC STREET PHILADELPHIA	PA 19107
BOB DAVIS FOR CONGRESS		PO BOX 189 GAYLORD	MI 49735
BOLTE	EVA	52678 SHELLBANK SOUTHBEND	IN 46628
BOSTON CITY HOSPITAL			IL 00000
BOUDREAU	ALZINA	B 103 SPARLING LANE LAFAYETTE	LA 70508
BOWERS	COLLEEN	4128 S STREET OHMA	NE 68107
BOWMAN	EDWARD	J SAN VICENTE AVE AGAT GU	GU 96928 FA 00000
BRADDOCK CTR BEHV MED		2201 ARDMORE BLVD PITTSBURGH	PA 15221
BRENNAN	CHRISTIANE	ST PATRICKS WELL CO DUBLIN IRELAND	FA 00000
BREUNNING	HILU	6000 FRANKFURT SANDBURG	NY 11240
BRI TEST ELECTRIC CO		CHUNG SHAN NORTH RD TAIPEI TAIWAN	FA 00000
BROHR	EMMA	ONE MILL POINT ROAD PEMBROKE RM05 BERMUDA BERMUDA	FA 00000
BROWN	EVA	52678 SHELLBANK SOUTHBEND	IN 46628

BROWN	JANICE	3236 ACTION RD MOODY	AL 35004
BRYNIARSKA	STANISLAWA	UL KORFANTEGO 10A 6 SIEMIANOWICE SLA FA	00000
BUCH	MARGARET	1687 HUNTERS BLUFF 204 MEMPHIS	TN 38120
BUDD	GRAHAM	E DEPT OF EARTH SCIENCES DOWNING ST CAMBRIDGE ENGLAND	FA 00000
BUFFALO CHAMBER OF COMM		107 DELAWARE AVENUE BUFFALO	NY 14202
BUILDING ASSOC OF MO			00000
BULLDOG REPORTER		SUITE 596 380 FIFTH AVENUE NEW YORK	NY 10018
BURGOS	MIGUEL	LAS PIEDRAS PR 00671 PO BOX 10	FA 00000
BURNS	GLEN	RT 3 JONESBORO	AR 72401
CALIFORNIA HOUSE OFF			IL 00000
CALIFORNIA WELLNESS PLAN			00000
CAPELCO CREDIT CORP		PO BOX 728 UPPER SADDLE RIVER	NJ 07458
CARPENTER	WILBUR	PO BOX 3895 APO AE X	FA 00000
CARREFOUR		12301 KNIGHTS ROAD PHILADELPHIA	PA 00000
CARRIZALES	MIGUEL	AV ROCA Y BOLOGNA 1236 FA	00000
CARTER	MARY	12 WICKERSELL CT IRMO	SC 29063
CASTANEDA	JUAN	M BUSTAMANTE NO 10 COL LOS REYES IXTAC MEXICO DF	FA 00000

CC SYSTEMS CORPORATION 7201 SAGINAW HIGHWAY MI 48917
LANSING

CCC CONVEYOR PO BOX 59448 TX 75229
DALLAS

CENTRAL GEORGIA EYE IL 00000

CHAIZHOU FENGXI ZENGFA PAINTING PORCELA CHAOZHOU GUANGDONG TIANZHONG XIPU FE
CHINA FA 00000

CHAMBERLAIN JEREMY WESTBOURNE EMSWORTH HAMPSHIRE P010 8
ENGLAND ENGLAND FA 00000

CHAMBERS DIANE 3000 HANNOVER NY 10021
NEW YORK

CHAOZHOU FENGXI ZENGFA PAINTING PORCELA CHAOZHOU GUANGDONG TIANZHONG XIPU FE
CHINA FA 00000

CHASE EDWARD 250 QUEENS QUAY WEST APT 1801
CANADA FA 00000

CHURCH RAYMOND 814 WHEATLAND CENTER ROAD NY 14546
SCOTTSVILLE

CLAIROL 345 PARK AVENUE NY 10154
NEW YORK

CLASSIFIED BUSINESS YELLOW PAGES SUITE 3308 350 FIFTH AVENUE NY 10118
NEW YORK

COLAIZZO TINA 44 NIAGARA SHORES BLVD NY 14150
TONAWANDA

COLEMAN JOHN B STE 320 3050 K STREET DC 20007
WASHINGTON

COLLEGE OF STATEN ISLAND IL 00000

COLLINS GREG 6400 WILKINSON DRIVE AZ 86301
PRESCOTT

COLON ALFONSA M HC 80 BOX 9314 DOURADO PR 00646
FA 00000

COLON ANGEL L 26 SABANA GARDENS CAROLINA PR 00630
FA 00000

COLONSANCHEZ IGNACIO APT 184 MAUNABO PR 00707

COLORADO MEDICAL SOCIETY FA 00000

COLUMBIA UNIVERSITY IL 00000

COMM COLLEGE SO NEVADA IL 00000

COMNAS ANN APT 12F 737 PARK AVENUE NY 10021
NEW YORK

COMPU COM SYSTEMS INC PO BOX 840291 TX 00000
DALLAS

COMPUTER ASSOCIATES 1 COMPUTER ASSOCIATES PLAZA NY 11788
HAUFPAGUE

CONCENTRIC DATA SYSTEMS INC PO BOX 120 NY 14207
BUFFALO

CONFED ADMIN SERVICES PO BOX 29419 03 SC 29419
CHARLESTON

CONNECTICUT GENERAL LIFE PO BOX 2005 CT 06032
FARMINGTON

CONNECTICUT GENERAL LIFE INS CONNECTICUT GENERAL BUILDING CT 06152
HARTFORD

CONNECTICUT GENERAL LIFE INS CO SUITE 1200 600 GRANT ST PA 15219
PITTSBURGH

CONNECTICUT GENERAL LIFE INSURANCE CO CONNECTICUT GENERAL BUILDING CT 06152
HARTFORD

CONSENSYS CORP 1301 PAT BOOKER RD TX 78148
UNIVERSAL CITY

CONSOLIDATED GROUP CLAIM INC PO BOX 7500 VT 05202
BRATTLEBORO

CONTINENTAL INN 1408 JONES AVENUE KS 67846
GARDEN CITY

CORDES HJ THEODOR STERN KAI Y 6000 FA 00000
GERMANY

COSTA ELECTRONIC INDUSTRIAL CO 9TH FL 30 YAT SEN RD TAIPEI FA 00000
TAIWAN

COSTAS	JOAQUIN	URB LOS CAOBOS PONCE PR 00731 FA 00000
COUSINS	HENRY	FA 00000
CRAIG	ROBERT	E 7 NOBLESTOWN ROAD CARNEGIE PA 15106
CROP	CLARITAS	PO BOX ITACA NY 14851
CROWN LABEL INC		208 OLD NASHVILLE HWY PO BOX 805 LAVERGNE TN 37086
CYCLE II		SUITE 415 PENN CENTER WEST IV PITTSBURGH PA 15276
DANN	DAVID	N 54 RINGWOOD RD BEIGHTON SHEFFIELD S19 6 UNITED KINGDOM FA 00000
DASHOFKY	HAROLD	2818 GOLFSIDE LANE FLINT MI 00000
DASHOFKY	JACK	2818 GOLFSIDE LANE FLINT MI 00000
DATA CORPORATION CONTROL		PO BOX 10989 NEWARK NJ 07193
DAVIS	BERNICE	PO BOX 7500 BRATTLEBORO VT 05202
DAYS INN FRANCHISE		2751 BUFORD HYN E ATLANTA GA 30324
DE COTONOU ROTARY CLUB		BOITE POSTALE 247 CONTONOU REPUB OF BENIN FA 00000
DEAN WITTER REYNOLDS INC		74TH FLOOR 2 WORLD TRADE CENTER NEW YORK NY 10048
DECCO		SC IL 00000
DELAMOTA	CASIMIRO	CALLE 6 NUM 4 ENS SAN GERONIMO REP DOM FA 00000
DELANEY	MARY	4 SEAFORT TERRACE SANDYMOUNT DUBLIN IRELAND FA 00000

DEROYAL INDUSTRIES		200 DEBUSK LANE POWELL TN 37849
DETABAOS	PILAR	V COROZAL PR 00643 PO BOX 1065 FA 00000
DEWINJE	JENNIE	9000 TROMSO PETERSBOGSGATE 65 NORWAY NORWAY FA 00000
DIAMOND GAS		HIGHWAY 21 PO BOX 291 ATMONE AL 36504
DIEZ	ALEXANDER	175 WEST 76TH STREET NEW YORK NY 10023
DOBROVIC	DAVORIN	JOHANNESBURG SOUTH AFRICA FA 00000
DONNELLY	TIM	62 1/2 LINCOLNWAY VALPRAISO IN 46383
DUERKSEN	KIRK	345 BRYANT RD M8 SPARTANBURG SC 29303
DUREE	JEFFREY	11545 WEST AVE 1415 SAN ANTONIO TX 78216
E N P HOLDINGS LTD		99 CHABANEL ST WEST MONTREAL PQ CANADA FA 00000
E N P HOLDINGS LTD		99 CHABANEL ST WEST MONTREAL PQ CANADA FA 00000
EBSCO PUBLISHING		PO BOX 830460 BIRMINGHAM AL 35283
EDISON ELECTRONICS CO LTD		BUK GU KWANG JU 500 200 KOREA FA 00000
EDUCATIONAL TESTING SERVICE		ROSEDALE RD PRINCETON NJ 08541
EIGELIS	ELENA	UL KOSSUTHA 2M64 01 355 WARSZAWA POL FA 00000
EIGELIS	HALINA	UL KOSSUTHA 2M64 01 355 WARSZAWA POL FA 00000
ELECTRONICA Y MECANICO		AVENIDA 2 CALLE 6 Y 7 NO 612 AGUA PR MEXICO FA 00000
EMPL BENEFIT PLAN		4144 N CENTRAL EXPRESSWAY

EMPLOYEE BENEFITS	DALLAS	TX 75204
	STE 400 4144 N CENTRAL EXPRESSWAY	
	DALLAS	TX 75204
ENAOHWO	DAVIS	B 7500 COOK ROAD 37
	HOUSTON	TX 77072
ENGH	LINDA	PO BOX 1354
	GLENROCK	WY 82637
EQUICOR		PO BOX 10370
	DES MOINES	IA 50306
EQUIFAX INC		1600 PEACHTREE STN NW
	ATLANTA	GA 80309
EQUITABLE LIFE INSURANCE		PO BOX 2481
	NEW YORK	NY 10116
EQUITABLE PREFERRED REGIO		PO BOX 9155
	DES MOINES	IA 50306
ERIE SCIENTIFIC CO		20 POST ROAD
	PORTSMOUTH	NH 03801
ESQUEDA	RAMON	S FRACC LOMAS DE ZAPOPAN JAL
	MEXICO DF	FA 00000
EUROMED PRODUCTS INC		PO BOX 855
	SHELTON	CT 06484
FARFAN	JORGE	PLAZA MOCAMBO NO 566 DEPTO 3
	MEXICO DF	FA 00000
FEDERAL EXPRESS CORP		PO BOX 1140 DEPT A
	MEMPHIS	TN 38101
FEDERATED MUTUAL		PO BOX 65509
	WEST DES MOINES	IA 50265
FEINSTEIN	EDITH	407 BRECKENRIDGE
	WAYNE	NJ 07470
FELICIANO	CARLOS	M F 31 3RD ST URB ANAMARIA
		FA 00000
FELIX	IYOKA	O OFF SILUKO ROAD 351 BENIN CITY
	NIGERIA	FA 00000
FERRANDINO	ROSALBA	2 IRIS LANE
	NEW HYDE PARK	NY 11040

FERROCARRILES NACION	GEN TREAS	JALISCO MEXICO	FA 00000
FERSAN		SANTO DOMINGO REP DOMINICANA	FA 00000
		REP DOMINICANA	FA 00000
FERWORN	EDWARD	2502 ROCKFORD	FA 00000
		ZEPHRY HILLS 34248	FA 00000
FIVE STAR SPEAKERS TRAINERS AND CONSULT		SUITE 120 8645 COLLEGE BLVD	KS 66210
		OVERLAND PARK	
FLUHLER	HUGO	ST JOHN 625 A CORAL BAY	FA 00000
FNS SALES		90 COMMERCE DRIVE	NY 14623
		ROCHESTER	
FOCUS HEALTHCARE MGMT		7101 EXECUTIVE CENTER	TN 37027
		BRENTWOOD	
FOUTS	ANDREW	1223 STANWAY ST	OH 45503
		SPRINGFIELD	
FOUTS	MARGARET	1223 STANWAY ST	OH 45503
		SPRINGFIELD	
FRANCIS	CHIA	ABUJA FEDERAL CAPITAL	FA 00000
		NIGERIA	
FRANCOIS	ABADIE	E 1423 BONABEL BLVD	LA 70005
		METAIRIE	
FURUKAWA ELECTRIC CO LTD		14 18 KAMIKEDAI 1 CHOME	FA 00000
		JAPAN	
G B STORES		1407 SCALP AVE	FA 00000
		JOHNSTOWN	
GAIGE	NOEL	F ROUTE 365 PO BOX 441	NY 13304
		BARNEVELD	
GALLAGHER	SUSAN	A 6U GALLOP RD SINGAPORE 1025 REPUBLIC	FA 00000
		SINGAPORE	
GALLAGHER BASSETT SERV		PO BOX 8004	NY 10013
		ITASCA	
GARRIDO	ANTONIO	CALLE PRIMERA EDIFICIO SEGUNDA GIC	FA 00000
		DOMINICAN REPUB	

GARRIDO	LUCIANO	2DO PISO ENSANCHE ARBOLADA SANTO DOM DOMINICAN REPUB	FA 00000
GARRIS	RAYMOND	E 93 MERWYN AVENUE MILFORD	CT 06460
GENERAL ELECTRIC COMPANY		1285 BOSTON AVE BRIDGEPORT	CT 06602
GEORGIA POWER CO		333 PIEDMONT AVE NE ATLANTA	GA 30308
GERWECK	JAMES	13 PEABODY ROAD DERRY	NH 03038
GIFTIN	CLARENCE	L 8917 ROSEWOOD DRIVE SACRAMENTO	CA 95826
GLASER	COLLEEN	1 TOWER SQUARE HARTFORD	CT 06163
GLASER	GUDRUN	OCHESNHAUSEN STR 16 GUTENZELL GERMANY	FA 00000
GLEN PUBLISHING CO		FRONT & BROWN STREET RIVERSIDE	NJ 08075
GLOVER	ANNIE	B GENERAL DELIVERY HOLT	AL 35401
GODREAU	ENRIQUE	H35 5TH ST TINTILLO GRDN FA 00000	FA 00000
GODREAU	ENRIQUE	TINTILLO GRDNS GUAYNABO PR 00657 FA 00000	FA 00000
GOLDSTAR ELECTRIC MACHINERY CO		20 YOIDO DONG YOUNGDUNGPO GU SEOUL 1 CHINA	FA 00000
CONZALEZ	RAFAEL	KM 2 6 JUNCOS PR 00777 FA 00000	FA 00000
GOTCHER BROWN BLAND ET AL		PO BOX 160 MCALESTER	OK 74502
GRAY LINE TOURS INC		166 W 46TH STREET NEW YORK	NY 10036
GREENOUGH	MARIE	1000 ASTOR GERMA	NY 10031
GREISHABER		PO BOX 740141	

GRINNAN	MICHAEL	ATLANTA	GA 30374
	J 22441 CAMINITO GRANDE LAGUNA HILLS	CA 92653	
GUARDIAN PLAN ADMINISTRATION		100 PLUS DIVISION HARTFORD	CT 06120
H L WELDING		PO BOX 115 TY TY	GA 31795
HAHNEMANN UNIV HOSPITAL		PO BOX 6771 PHILADELPHIA	PA 19102
HAN JOOL INDUSTRIAL CO LTD		SEOCHO KU SEOUL 137 060 KOREA	FA 00000
HAND	CHARLES	E 514 VANDERBILT WEST MEMPHIS	AR 72301
HANLEY	DANIEL	E	FA 00000
HANSEN OPHTHALMIC		PO BOX 613 IOWA CITY	IA 52224
HARPER	FLETCHER	28 RALPH ST BERGENFIELD	NJ 07621
HARRISON	RUTH	HUDSON	NY 12534
HARRISON	SALEAK		FA 00000
HARSHA	ELLEN	B 54994 COUNTY LINE RD NEW CARLISLE	IN 46552
HART	KATRIN	4000 DUSSEL GERMA	NY 10031
HARTFORD LIFE INSURANCE		HARTFORD PLAZA HARTFORD	CT 06115
HARVEY	SAM	92 VANCOURTLAND PK SOUTH BRONX	NY 10463
HARVEY MICHIGAN INC		PO BX 444 ROMOLUS	MI 48174
HARWICK	JAMES	BOX 3634 APO AE	FA 00000

HARWICK	JAMES	A BOX 3634 APO AE	FA 00000		HUNT	GLORIA	GRAND CENTRAL STATION PO BOX 2889 NEW YORK	FA 00000
HASTINGS COUNTY BD OF EDUCATION		156 ANSRS STREET BELLEVILLE ONTR89 2	FA 00000		HUTCHINS	PAUL	5030 CEDAR CREEK HOUSTON	TX 77056
HEALTH ECONOMICS		1300 MOCKINGBIRD LANE DALLAS	TX 75247		HWA RONG ART CO LTD		40 HSIAO SHAN RD TOU WU HSIANG MIAO TAIWAN	FA 00000
HEATON	DIANE	695 HARBOR EDGE DR 102 MEMPHIS	TN 38107		IBM CORP		1311 MAMARONECK AVE WHITE PLAINS	NY 10605
HELENE FULD HEALTH TRUST		MIDLAND BANK 405 LEXINGTON NEW YORK	NY 10174		ILL ACAD OF DISPEN AUD		3008 HILLWOOD AV COLUMBIA	SC 29205
HERNANDEZ	RAMON	S RINCONADA MACONDO EDIF MEME DEPTO 40 MEXICO DF	FA 00000		IMPERIAL CHEMICAL INDUSTRIES		PO BOX 90 MIDDLESBROUGH CLEVELAND TS ENGLAND	FA 00000
HERNANDEZ	VISITACION	89 BETANIA ST ST JUST PR 00750 FA 00000			INDIANA STATE MED AS			IL 00000
HILLER	INKEN	6501 LOER GERMA	NY 10031		INTERNATIONAL TELEX DIRECTORY		CH 8700 KUSNACHT ZURICH SWT SWISS FA 00000	
HIMME	RAYMOND				INTL QUALITY & PRODUCTIVITY CTR		LIVERY BUILDING SUITE 7 UPPER MONTCLAIR	NJ 07043
HITACHI LTD		6 KANDA SURAGADAI 4 CHOME JAPAN	FA 00000		IOAN ILC		2906 BURKROOK LN KNOXVILLE	TN 37914
HOLLINGSHEAD	ROBERT	APT D 2070 TAVEL COURT ST LOUIS	MO 63146		ISLAS	RAYMUNDO	A CALLE LAS TUNAS NO 201 COL LAS HUERT LEON GTO MEXICO	FA 00000
HOLLINGSHEAD	WILLIA	APT D 2070 TAVEL COURT ST LOUIS	MO 63146		J E GRASETT CO		TORONTO ONT CANADA M5H 1L9	FA 00000
HOME LIFE		ONE CENTENNIAL AVENUE PISCATAWAY	NJ 08855		JACKEL	BIRGIT	5414 VALLENDAR GERMA	NY 10031
HOME LIFE INSURANCE		1 CENTENNIAL AVENUE PISCATAWAY	NJ 08855		JACKSON	KINGSLEY	W MONTREAL 110 QUEBEC 1100 SHERBROOKE CANADA	FA 00000
HORVAT	FRANK	ROCKFORD	IA 00000		JACKSON	KINGSLEY	W 1100 SHERBROOKE ST W MONTREAL 110 QU CANADA	FA 00000
HORVAT	JULIE	ROCKFORD	IA 00000		JAFARI	MANSSOR	ALAVI HOSPITAL ARDABIL IRAN	FA 00000
HOWE	SHARLENE	E 219 COXWELL AVE TORONTO ONTARIO M4L CANADA	FA 00000		JAMES WHOLESALE DRUGS		2131 FELVER COURT RAHWAY	NJ 07065
HUERTA	EUSABIO	MORELIA MICH FRACC PARDOS VERDES						

JEFFERSON	CAROLYN	1632 99TH AVE OAKLAND	CA 94603
JENG SHYONG ENTERPRISE COLTD		11 ALLEY 129 LAEN 174 TAKUAN TAIWAN	FA 00000
JIANGSU WHEEL GRINDER FACTORY		101 S JIE FANG RD YANGCHENG JIANGSU CHINA	FA 00000
JOHN HANCOCK		1585 PAOLI PIKE WESTCHESTER	PA 19380
JOHN HANCOCK INS HANCOCK PREFERRED		PO BOX 566498 ATLANTA	GA 30356
JOHNSON	LEROY	FO 3RD ARMORED DIVISION APO AE ATLANTA	FA 00000
JOHNSON	WILLIAM	F 5906 HENRY ST MUSKEGON	MI 49441
JONES W J ADMINS SVCS		2001 MARCUS AVENUE LAKE SUCCESS	NY 11042
JOSEPH	KEVIN	3056 FRANKLIN MURFREESBORO	TN 37130
JUNGCLAS	ETHEL	M 900 N ALAMEDA ST LOS ANGELES	CA 90086
K B A MOTTER		3900 E MARKET ST YORK	PA 17402
KACZUMKA	JAN	33 220 SWIEBODZIN BOLESCAW POLAND FA 00000	
KALCHO	HINOV	N SORIA 1000 60 PATRIACH EVTMY BULGARIA	FA 00000
KASSNER	RENATE	6231 SCHWALBACH GERMA	NY 10031
KAWAMURA SEISAKUSHO CO LTD		3 9 2 DAIMON OUME SHI TOKYO 198 JAPAN	FA 00000
KAY & SILVER OF PENNSYLVANIA		SUITE 212 300 MT LEBANON BLVD PITTSBURGH	PA 15234
KEIYO METAL INDUSTRIES LTD		201291 AMATO CHO CHIBA SHI CHIBA KEN JAPAN	FA 00000

KIDDER AND PEABODY		11TH FLOOR 10 HANOVER SQUARE NEW YORK	NY 10005
KILBOURNE & KILBOURNE		424 PROSPECT AVE PRINCETON	NJ 08540
KLUWER ACADEMIC PUBLISHERS		3300 AA DORDRECHT NETHERLANDS	FA 00000
KNIGGE	DIANE	62 1/2 LINCOLNWAY VALPRAISO	IN 46383
KOENIG	MARY	N PAUL SMITHS	NY 12970
KOKOKU RUBBER INDUSTRY CO		TOKYO JAPAN	FA 00000
KUIRKOMA ELECTRONICS CO LTD		KURIKOMA CHO KURIHARA GUN MIYAGI KEN JAPAN	FA 00000
L A WENGER CONTRACTING CO INC		88 GOLDING AVE PO BOX 1146 WEST BABYLON	NY 11704
LA US DEPT OF AGRICULTURE		NEW ORLEANS	LA 70160
LACO ELECTRIC CO		BOUCHARD 644 PISCO 1 BUENOS AIRES AR FA 00000	
LAFOREST	ROBERT	CALLE ORINCO 16 22 RIO PIEDRAS RQ 00 FA 00000	
LAHOOD & ASSOCIATES INC		PO BOX 12170 OVERLAND PARK	KS 66282
LAINA	ELENI	15 STR ARTESON KALAMARIA THESSALONIK GREECE	FA 00000
LAMBERT	WILLIAM	425 FAIRHOPE ST AUGUSTA	GA 30901
LANGFORD	THOMAS	R 109 YORK PLACE HOT SPRINGS	AR 71913
LANOOD AND ASSOCIATE		PO BOX 12170 OVERLAND PARK	KS 66212
LAVIANNACALLESS	LORENA	55 336 VILLAS LA HAC MERIDA YUCATIN	TX 97119
LAWLER	LEVOID	629 KNOX ST	

LEDESMA	ROSENDO	TALLADEGA	AL	35160	LYONS	JOANN	J PO BOX 700 PLANTSVILLE	CT	06438
LEES	IRENE	S 110 W 5 DAVENPORT	IA	52801	M & M PRESS INC		PO BOX 8937 HAMILTON	NY	13346
LEFKO	ALEX	S 314 WILKINS STREET ROCHESTER	NY	00000	MACLEAN	EDWARD	T BOX 32 WEBBWOOD ONTARIO CANADA P0P2G	FA	00000
LEFKO	GEORGE	5301 W 1ST AVENUE LAKEWOOD	CO	80226	MACY R H INC		19 FLOOR 151 WEST 34TH ST NEW YORK	NY	10001
LEGAN	JEROME	E 126 DELWAY AVE NASHVILLE	TN	37229	MAGNA INTERNATIONAL		300 HANOVER INTERNATIONAL MANCHESTER	NH	03104
LERMA	REBECCA	SANTA RITA PARK 871 PO BOX 19	FA	00000	MAGNA INTERNATIONAL		300 HANOVER ST MANCHESTER	NH	03104
LEVY	SHARON	1685 PATTON GREENBAY	WI	54301	MALDONADO	CANDIDO	M BOX 1487 DORADO PR	00646	FA 00000
LEVY	STUART	1685 PATTON GREENBAY	WI	54301	MARRIOTT CORP REGIONAL SALES		FL 3RD 2 EXECUTIVE DR SOMERSET	NJ	08873
LEWIS	BEN	A 12 ROLLING MEADOWS OFALLON	MO	63366	MARYLAND STATE OF			MD	00000
LEYENDECKER ELEM SCH		1311 GARDEN LAREDO	TX	78041	MASSACHUSETTS GENERAL		SOCIETE GENERALE 50 ROCKEFELLER PLAZ NEW YORK	NY	10020
LIFESAVERS 10 BASE SERVICES INC		SUITE 819 8775 E ORCHARD RD GREENWOOD VILLAGE	CO	80111	MASTER JIG GRINDING		SUITE 104 24301 CATHARINE IND ROAD NOVI	MI	48375
LINDSEY	PATRICIA	HHC SECOND BDE 1ST AD APO NY	NY	09066	MASTER OF BS ASSURANCE		UNIT 58 144 CONWAY DR LONDON ONTARIO CANADA	FA	00000
LIONEL	KNIGHT	C LOWER NEVIS STREET PO BOX 733 ST JOH ANTIGUA	FA	00000	MATHCAD		PO BOX 120 BUFFALO	NY	14207
LIU	SUHFUNG	M 1544 VIRGINIA AVE GLENDALE	CA	91202	MAXWELL	JAMES	R RT 1 WHIGHAM	GA	31797
LONG	R	P 1300 HART STREET HONOLULU	HI	96817	MAZANY	ROBERT	7359 BUCHANAN STREET MERRIVILLE	IN	46410
LOTUS RIDE INC		109 E BROADWAY NEW YORK	NY	10002	MCCARTHY	AMY	HCR 32 BOX 325 ROLLA	MO	65401
LUTTRELL	MARK	7141 MONTAGNE ANCHORAGE	AK	99507	MCCARTHY	RORY	HCR 32 BOX 325 ROLLA	MO	65401

MCCREARY	CAROL	A 1662 COUNTY Q HIGHWAY MONTFORT	WI 53569
MCDANIELS PHARMACY		7933 MARTY OVERLAND PARK	KS 66204
MCKENNA	MARY	E APT 33 800 TRENTON RD LANGHORNE	PA 19047
MEDICAL	JEROME	309 FELLOWSHIP RD MT LAUREL	NJ 08054
MEDIKOMERC EXPORT IMPORT		M TITA 30 71000 YUGOSLAVIA	FA 00000
MEDIMET DRUG CLAIM OFFICE		PO BOX 3018 UTICA	NY 13504
MEDIPLAN		PO BOX 590 FAIRLAWN	NJ 07410
MEDIPLAN INC		851 FRANKLIN LAKE RD FRANK LAKES	NJ 07417
MEDIWARE INFORMATION SYSTEMS INC		1121 OLD WALT WHITMAN ROAD MELVILLE	NY 11747
MEITZLER	GRANT	PO BOX 426 STORRS MANSFIELD	CT 06268
MEMOREX TELEX UNIREPAIR BV		VEILINGWEG 6247 ER GRONSVELD NETHERLANDS	FA 00000
MERSZEL	JASON	B 6 PICCADILLY MANSION 6 POSHAN RD HONG KONG	FA 00000
MERSZEL	JASON	6 POSHAN RD B 6 PICCADILLY MANSION HONG KONG	FA 00000
METROPOLITAN		ONEIDA COUNTY INDIAN PARK ORISBURG	NY 13424
METROPOLITAN		ONEIDA COUNTY INDIAN PARK ORISKANY	NY 13424
METROPOLITAN		ONEIDA COUNTY INDUS ORISKANY	NY 13424
METROPOLITAN		PO BOX 3020 UTICA	NY 13504
METROPOLITAN		PO BOX 6017	

	NEWARK	DE 19714	
METROPOLITAN	1130 NORTCHASE PARKWAY MARIETTA	GA 30067	
METROPOLITAN IND	PO BOX 6017 NEWARK	DE 19714	
METROPOLITAN LIFE	PO BOX 943 NEW YORK	NY 10159	
METROPOLITAN LIFE INS	1 MADISON AVENUE 8 R NEW YORK	NY 10010	
METROPOLITAN LIFE INS	1130 N CHASE PARKWAY MARIETTA	GA 30067	
METROPOLITAN LIFE INS	PO BOX 2158 PITTSBURGH	PA 15230	
MEYER	ADOLPH	8 MUNCHEN 82 GERMANY FA 00000	
MICHELENA	RON	935 EVENTIDE SAN ANTONIO	TX 78209
MILANOVICH	KRISTINA	47 3 3 JURIJ 91000 SKOPJE MACEDONIA FA 00000	
MILETICH	MARIANNA	KRASZEWICE A M 2A 63 522 KRASZEWICE FA 00000	
MILLER	THOMAS	C APT 8 818 SUNSET KENNER	LA 70065
MINUTTISTEFANONI	JOSEGUADALUPE R	PROLONGACION 2 SUR NO 3515 CHOLULA P MEXICO	FA 00000
MISSRY	MORRIS	325 FIFTH AVE NEW YORK	NY 10016
MITSUBISHI MINING & CEMENT CO		NEW CERAMIC DEPT 2 1 MARUNOUCHI 1 CH JAPAN	FA 00000
MITSUBISHI MINING & CEMENT CO		NEW CERAMIC DEPT 2270 YOKOZEMURA JAPAN	FA 00000
MOLSON ROUSSEAU INC		CP 245 PO BOX MONTREAL 04 FO FA 00000	
MOORE	DEVON	APT 2 247 WATER STREET BROOKLYN	NY 11201

MORGAN	DIANNE	O 1834 MARTIN CT MYRTLE BEACH	SC 29577	NEC CORP	33 1 SHIBA 5 CHOME MINATO KU TOKYO 1 JAPAN	FA 00000
MORGAN	ELVA	F 317 HIGHT DRIVE B WARRENTON NC	OK 80 FA 00000	NEELY	PO BOX 22 GRUBBS	AR 72431
MOSES	SYBIL	G 2302 W LAVENDER LANE ARLINGTON	TX 76013	NEGATEK CORP	YUANHSULIN TA HSI CHEN TAO YUAN HSIE TAIWAN	FA 00000
MOTOROLA		PO BOX 29005 PHOENIX	AZ 85308	NEOPHYTOU	197 LEOFOROS ALEXANDRAS ATHENS GREEC GREECE	FA 00000
MUKASA	HIROJI	TONO MACHI NAKATSU OITA JAPAN	FA 00000	NEW YORK LIFE INS CO	51 MADISON AVE NEW YORK	NY 10010
MURRAY	WILLIAM	W PO BOX 3046 GULF SHORES	AL 36547	NEW YORK STATE DEPARTMENT		00000
MYHRUM	CHARLOTTE	W LUXBOROUGH STREET LONDON W1M 3LN GREAT BRITAIN	FA 00000	NEW YORK STATE DEPARTMENT OF TAXATION	PO BOX 1913 ALBANY	NY 12201
MYSON HEAT EXCHANGERS LTD		INDUSTRIAL ESTATE ONGAN ESSEX CMS 9R ENGLAND	FA 00000	NEW YORK STATE EDUCATION		00000
NANA	ARTH	26 SUKUMVIT SO 111 BANGKOK 11 THAILA THAILAND	FA 00000	NEW YORK UNIVERSITY		IL 00000
NASH	GRETCHEN	1615 POWERS RUN RD PITTSBURGH	PA 15238	NEWENGLAND DIGITAL	85 MECHANIC ST LEBANON	NH 03766
NASO S LEASING		PO BOX 2805 CEDAR RAPIDS	IA 52406	NIGRO ALUMINIO LTDA	AV ARCANGELO NIGRO 166 BRAZIL	FA 00000
NATHANSON	GEORGE	6 BURRESS IIII HOUSTON	TX 77022	NISSIN DENSO CO LTD	YOKOHAMA SHI KANAGAWA KEN 245 JAPAN	FA 00000
NATIONAL GROUP LIFE		PO BOX 619075 DALLAS	TX 75261	NIZAMUDDIN	5039 S 72ND AVE TULSA	OK 74145
NATIONAL SPONGE CORP		231 NORMAN AVENUE BROOKLYN	NY 11222	NOEMI BOSAI LTD	MENUMA WACHI OSATO GUN SAITAMA 360 0 JAPAN	FA 00000
NATL STUDENT NURSES ASSN		NORTH WOODBURY ROAD BOX 56 PITMAN	NJ 08071	NORTHWESTERN NATIONAL	5900 PRINCESS GARDEN LANHAM	MD 20703
NATL UNION FIRE INS		301 FIFTH AVE PITTSBURGH	PA 00000	NOS	DEPT 101 TULSA	OK 74182
NATURALLY FRESH		1000 NATURALLY FRESH BLVD ATLANTA	GA 30349	NOVA HEALTH SYSTEMS	409 VPR COMMERCE CENTER BLACKWOOD	NJ 00000
				NOVATEC CORP	5 YOTSUYA SHINJUKU KU TOKYO	

NU TECH CIRCUITS SA	JAPAN	FA 00000
NYS DEPT OF HEALTH	3 PHILIPS CRESCENT HENDON 5014 AUSTRALIA	FA 00000
NYS INCOME TAX	PO BOX 3969 NEW YORK	IL 00000 NY 10008
NYS SOCIETY COAP		00000
OAFMC JAVITS CENTER	655 WEST 34TH STREET NEW YORK	NY 10001
OLESIE	LOUIS 829 FRANKLIN STREET JOHNSTOWN	PA 15901
OLU	AKINSEFI J PMB 1048 OYO OYO NIGERIA	FA 00000
ORLANDO RESORT STOUFFER		00000
OTTEN	TOI 41 ROSSTRASSE GERMA	NY 10031
OVERSEA COURIER SERVICE CO	MINATO KU TOKYO NO 9 SHIBURA 2 CHOM ENGLAND	FA 00000
OXFORD JOURNALS	WALTON STREET OXFORD ENGLAND	FA 00000
OXY U S A INC	PO BOX 750 GRAHAM	TX 76046
PABLO	CAMPOS 11000 MEXICO D F MEXICO DF MEXICO	FA 00000
PAK ARAB REFINERY LTD	PO BOX 8925 KARACHI PAKISTAN	FA 00000
PALMER	JOSEPH 1501 BERT GREENE EL PASO	TX 79936
PANAHI	NIGANNED B PO BOX 81465 567 ISFAHEN IRAN IRAN	FA 00000
PAREDES	JUAN M BUSTAMANTE NO 10 CO LOS REYES IXTACA MEXICO	FA 00000

PARKER	ANDREW	M 125 6THAV LNDPCH NEW YORK	NY 10013
PARKS	WADE	37 WASHINGTON SQUARE W 10C NEW YORK	NY 10011
PARSON	MARJORIE	J 502 639 W GORE ST STRATFORD ONTARIO CAN	FA 00000
PARSON	WILLIAM	R 502 639 W GORE ST STRATFORD ONTARIO CAN	FA 00000
PARTNERS TRADING LTD		41 ORNE ROAD SURREY KINGSTON ENGLAND	FA 00000
PELHAM FARM SUPPLY		PO BOX 48 PELHAM	GA 31779
PENN MUTUAL LIFE INS		600 DRESHER ROAD HORSHAM	NY 00000
PENNWALT CORP		900 FIRST AVE PO BOX 1536 KING OF PRUSSIA	PA 19406
PEPPERIDGE FARM		595 WESTPORT AVE NORWALK	CT 06856
PERALES	GERARDO	4814 CORTIAN OAK SAN ANTONIO	TX 78219
PEREZ	FEDERICO	14320 MULBERRY CAMUY PR 00627 PR	FA 00000
PEREZ	RAFAEL	ENSANCHE BELLA VISTA SANTO DOMINGO DOMINICAN REPUB	FA 00000
PEREZQUEZADA	RAFAEL	ENSANCHE BELLA VISTA SANTO DOMINGO DOMINICAN REPUB	FA 00000
PERMANENT SECRETARY DEFENSE		BLACK 71 LOEWEN ROAD TAGLIN SINGAPOR SINGAPORE	FA 00000
PETERSEN	STEPHEN	415 IOWA AVENUE MUSCATINE	IA 52761
PETRAKIS	NICK	3 PERISTEPI 12132 ATHENS GREECE GREECE	FA 00000
PFL LIFE INSURANCE		PO BOX 982009 NORTH RICHLAND HILLS TX	TX 76182

PHELAN	MURRAY	W 3882 MAIN ST NIAGRA FALLS ONTARIO CANADA	FA 00000
PHOTOGRAPHY USA		1725 CARONDELET ST NEW ORLEANS	LA 70130
PIERRE	MADONE	115 30 196TH STREET ST ALBANS	NY 11412
PRECI	S	A INGENEROS MILITARES 38 NAUCALPAN EDO	FA 00000
PREMECNA DEL CENTRO SA		LOCAL NO 12 SAN LUIS POTOSI	FA 00000
PRESS ASSOCIATION INC		PO BOX 19607 NEWARK	NJ 07195
PRIEST	REID	40 WEST 57TH STREET NEW YORK	NY 10019
PRINCIPAL MUTUAL		711 HIGH ST DES MOINES	IA 50309
PRINCIPAL MUTUAL LIFE		711 HIGH STREET DES MOINES	IA 50309
PRINCIPAL MUTUAL LIFE		711 HIGH STREET DES MOINES	IA 50392
PRINTRONICS CHINA LTD		6TH FL ROOM 602 LUK KWOK CENTRE HONG KONG	FA 00000
PROBEX		528 SPRUCE STREET PHILADELPHIA	PA 19106
PRODUCT CODE 31		PO BOX 890 NEW YORK	NY 10013
PROVIDENT		PO BOX 12035 CHATTANOOGA	TN 37401
PROVIDENT		PO BOX 20468 BIRMINGHAM	AL 35216
PROVIDENT	LIFE	BUILDING 1000 1241 VOLUNTEER PARKWAY BRISTOL	TN 37620
PROVIDENT LIFE & ACCIDENT		EMPLOYEE INSURANCE SECTION PO BOX 25 HOUSTON	TX 77252
PROVIDENT LIFE & ACCIDENT INSURANCE		1 FOUNTAIN SQUARE	

PRUDENTIAL		CHATTANOOGA	TN 37402
		PO BOX 15047 ALBANY	NY 12212
PRUDENTIAL INS CO		ATTN NRSC DATA 55 N LIVINGSTON AV ROSELAND	NJ 07068
PRUDENTIAL INSURANC CO PLOUGH INC		PO BOX 377 MEMPHIS	TN 38151
PRUDENTIAL INSURANCE		PO BOX 950 HORSHAM	PA 19044
PRUDENTIAL SECURITIES INC		315 HUDSON STREET NEW YORK	NY 10013
PUBLIC POWER CORP		4 ALOPEKIS ST ATHENS 106 7 GREECE	FA 00000
PUDNOS	HELENE	C OFRA DN HAREI BENJAMIN ISREAL ISRAEL	FA 00000
PYONG WEA INDUSTRIAL CO LTD		KAPYONG EUP KAPYONG KUN KYUNGKI DO 4 KOREA	FA 00000
QUALLS	MARTHA	A 727 ELM STREET BARBOURSVILLE	WV 25504
RABADI	MAZAN	104 BUENA VISTA AV YONKERS	NY 10701
RADIO AMATEUR		1515 BROADWAY NEW YORK	NY 10036
RADUE	JENNIFER	695 BUCKNER LOOP 695 W POINT	NY 10996
RALSTON PURINA		PO BOX 3588 DAVENPORT	IA 52803
RAULMINUTTI	JOSE	G PROLONGACION 2 SUR NO 3515 CHOLULA P MEXICO	FA 00000
RAWITCH	CERTRUDE	VIALE AMERICAI ROMA ROMA ITALY ITALY	FA 00000
REEB	BEVERLY	A 404 OAKWOOD STREET ROME	NY 13440
REILLY	K	A 1 YUMA TRAIL OAK RIDGE	NJ 07438

REIMERS	HELMUT	FD REPUBLIC OF GERMANY	FA 00000
REVERS INDUSTRIES		1101 BIENVILLE ST NEW ORLEANS	LA 70112
RICKER	JULIA	G PO BOX 320 APPEGATE	OR 97530
RILEY	LARRY	ROUTE 1 BOX 9 LINDEN	TN 37096
ROBINSON	GEORGE		FA 00000
RODRIGUEZ	RAMON	LAS PIEDRAS PR 00671 PO BOX 10	FA 00000
ROHN	RICHARD	L 6092 BROOKHILL CIR BIRMINGHAM	AL 35242
ROMERO	JOSE	L UNION POSTAL 6 COL POSTAL MEXICO DF	FA 00000
ROSENTHAL	MARK	6900 HEIDELBERG GERMA	NY 10031
ROSSMAN	ENEDINA	10502 AMBLEWOOD HOUSTON	TX 77099
SABANI	NICK	PO BOX 134 CLEATON	KY 42332
SABENA BELGIAN WORLD AIRLINES		125 COMMUNITY DR GREAT NECK	NY 11022
SAINTS CABS		10519 LYONS ST RIVER RIDGE	LA 70123
SAMUELS	KENNETH	BASSETERE ST KITTS WEST INDIES	FA 00000
SANDOVAL	JOSE MARCIAL	5500 EL CAMINO DEL REY HOUSTON	TX 77081
SARLIE	YANQUOI	F CUTTINGTON UNIV COLLEGE BOX 277 MONR FA 00000	
SCHAUW	JUDITH	134 E 22ND ST 612 NEW YORK	NY 10010

SCHENEBECK	MARGARET	829 FRANKLIN STREET JOHNSTOWN	PA 15901
SCHLEY	JOHN	R 77 AVENUE DE LA FLORIDE BRUSSELS OF BELGIUM	FA 00000
SCHOLLES	BETTY	VAN CURLER SUITE SCHENECTAD	NY 00000
SCHOLLES	CHARLES	VAN CURLER SUITE SCHENECTAD	NY 00000
SCHONBRUN	SERENA	6666 22ND ST 35 BOULDER	CO 80302
SCHULZE	WILLIAM	L 1848 SABAL PALM CIRCLE BOCA RATON	FL 33432
SEC VAL OFFICE		195 BROADWAY NEW YORK	NY 10007
SERGIO	LOPEZ	O PO BOX 643 YAUCO 00768	FA 00000
SHARY	DOROTHY	2202 W 20TH CT PANAMA CITY	FL 32405
SHARY	LESLIE	2202 W 20TH CT PANAMA CITY	FL 32405
SHAW	DONNA	D 3658 MARSEILLE RD INDIANAPOLIS	IN 46226
SHEARSON	LEHMAN	388 GREENWICH STREET NEW YORK	NY 10013
SHENG SHENG ELECTRICAL COLTD		WU FENG HSIANG TACHUNG HSIEN TAIWAN	FA 00000
SHIN KWANG ENTERPRISE CO LTD		BUK KU INCHON CITY 403 110 KOREA	FA 00000
SHINER	MARCIA	J 96 FIFTH AVE 7K NEW YORK	NY 10011
SHIPP	EARL	415 ETACOMA 201 A SIERRA VISTA	AZ 85635
SIAS	VERNITA	E 541 FOREST STREET ORANGE	NJ 07050
SILK RIVER INDUSTRIAL CO LTD		PUCHON SHI KYONGGI DO 421 130	

SIMON	MAREN	KOREA	FA 00000
		1000 BERLIN	
		GERMA	NY 10031
SMITH	JEFF	PO BOX 740056	
		ATLANTA	GA 30374
SO SHORE TIRE CO INC		124 02 ATLANTIC AVENUE	
		RICHMOND HILL	NY 11419
SOC IND DOMINICANA C POR A		APARTADO POSTAL 726 SANTO DOMINGO	
		DOMINICAN REPUB	FA 00000
SOFFIANTINI	MARTA	382 MOONEY POND ROAD	
		FARMINGVILLE	NY 11738
SOLAR HARVEST LTD		LOONG HA VILLAGE CHUNG KONG SHENZHEN	
		CHINA	FA 00000
SOUNDCORE ELECTRONIC LTD		HONG KONG 194 196 QUEENS RD CENTRAL	
		HONG KONG	FA 00000
SPADARO	A	VIA LIBERTA 280 S DOMENICA VITTORIA	
		FA 00000	
SPIGEL	ISREAL	D 131 TEHAMA STREET	
		BROOKLYN	NY 11218
SPIGEL	SARA	131 TEHAMA STREET	
		BROOKLYN	NY 11218
SPRINT CONFERENCE LINE		PO BOX 101343	
		ATLANTA	GA 30392
SQL SOFT PTY LIMITE		50 BEECROFT ROAD BEECROFT NSW 2119	
		FA 00000	
ST JOSEPH HOSPITAL			IL 00000
STANDARD LIFE		PO BOX 25097	
		OKLAHOMA CITY	OK 73193
STATE TREASURER OF NJ		19 CHANCERY LN CN214	
			NJ 00000
STICK	JOHN	JOHN MERRICK JAMES HALL	
		NEW ORLENAS	LA 70118
STOLLER	PATRICIA	8000 MUENCHEN	
		GERMA	NY 10031

STRAFFORD PUBLICATIONS INC		1201 PEACHTREE STREET NE	
		ATLANTA	GA 30309
STRANDBERG	PATRICIA	M RT 2 BOX 69	
		BYESVILLE	OH 43723
STREET	TONY	ROUTE 1 BOX 1458	
		ELIZABETHTON	TN 38492
SUMITOMO WIRING SYSTEMS LTD		YOKKAICHI SHI MIE KEN 510	
		JAPAN	FA 00000
SUMMERLIN	LAVERNE	M GENERAL DELIVERY	
		EUGENE	OR 97401
SUNNY EAST ENTERPRISE CO LTD		NO 10 CHANG HO VILLAGE 27 LIN WU CHY	
		TAIWAN	FA 00000
SUSQUEHANNA ADMINISTRATOR		PO BOX 1523	
		LANCASTER	PA 17603
SWAILS	ADRIAN	PO BOX 776	
		PLEASANTON	TX 78064
SWARDENSKI	JAY	D 131 W 28TH ST	
		NEW YORK	NY 10001
SWARDENSKI	SUSAN	H 131 W 28TH ST	
		NEW YORK	NY 10001
SWEDMARK	LISE	L HELMFELTSGATAN 7 MALMO SWESEN	
		SWEDEN	FA 00000
T ONE INC		PO BOX 294	
		STONE MOUNTAIN	GA 30086
TAITSU CORP		KIZUKI 1649 ARA KU KAWASAKI 211	
		JAPAN	FA 00000
TAIWAN CHIALI ELECTRIC		HAI CHENG LI CHIALI TAINAN HSIEN	
		TAIWAN	FA 00000
TAMURA	AYUMI	SISA 4 16 14 NAKAMEGURO MEGUROKY TOK	
		JAPAN	FA 00000
TECA CORPORATION		PO BOX 327	
		PLEASENTVILLE	NY 10570
TEKSOUTH	CORPORATION	PO BOX 12021	
		BIRMINGHAM	AL 35202

TEX NET MARKETING	13622 NEUTRON ROAD DALLAS	TX 75244
THOMAS JEFFERSON UNIV	PO BOX 8538 279 PHILADELPHIA	PA 19107
THOMPSON	JAMES ROUTE 2 BOX 304A AUGUSTA	AR 72006
THOMPSON	JESS L 32482 OLDE FRANKLIN FARMINGTON HILLS	MI 48331
THOMPSON	ROBERT O 4720 COLT DRIEW DES MOINES	IA 50225
TIFT COUNTY GLASS	PO BOX 1328 TIFTON	GA 31793
TOGITSU FACTORY NAGASAKI WORKS	NISHISONOGI GUN TAGASAKI JAPAN	851 21 FA 00000
TOMIHIRO KASEI KOGYOSHO CO LTD	6 5 10 MOTOMACHINISHI JAPAN	FA 00000
TONGAY	HARRY T APT 26 RR 1 BOX 108 LAKE OF THE OZARK	MO 65049
TONGAY	WILMA APT 26 RR 1 BOX 108 LAKE OF THE OZARK	MO 65049
TOP GRN ENTERPRISE CO LTD	108 SHUI YUAN RD SEC 2 TAIWAN	FA 00000
TOWNSEND	EARL D 322 S SYCAMORE ST GRAND ISLAND	NE 68801
TOWNSEND	MARY E 322 S SYCAMORE ST GRAND ISLAND	NE 68801
TOYO ELECTRIC MFG CO LTD 4F 3	BANGPING SAMUTPRAKARN THAILAND	FA 00000
TRAVELERS	PO BOX 10066 AUGUSTA	GA 30999
TRAVELERS	PO BOX 10666 AUGUSTA	GA 30999
TRAVELERS	1 TOWER SQUARE HARTFORD	CT 06163
TRAVELERS INSURANCE	PO BOX 10066	

TRAVELERS INSURANCE	AUGUSTA	GA 30999
TRAVELERS INSURANCE	PO BOX 700 VOORHEES TOWNSHIP	NJ 08043
TRAVELERS RAILROAD	PO BOX 10066 AUGUSTA	GA 30999
TRAVELLERS INSURANCE CO	LHFS CLIENT SERVICE CENTER HARTFORD	CT 06115
TRISEN MFG SDN BHD	TAMAN MIDAH JALAN CHERAS MALAYSIA	56000 FA 00000
TSUJIURA	TOMOKO 17 15 5 UCHIYA URAWA SHI SAITAMA JAP	FA 00000
TURNER	ERNEST A APO AP 96364 5000 ARS PSC 79 BOX 262	FA 00000
TURNER PROGRAM SERVICE	ONE CNN CENTER ATLANTA	GA 30348
TYLER FEED SERVICE	RR 4 BOX 40410 MADISONVILLE	TN 37354
UNION CAMP	1600 VALLEY RD WAYNE	NJ 07470
UNION ORTHODOX OF JEWISH CONGREGATION	333 7TH AVE NEW YORK	NY 10001
UNITED AMERICAN INS CO	PO BOX 810 DALLAS	TX 75221
UNITED STATES LIFE DALLASCLAIMS OFFICE	PO BOX 36128 DALLAS	TX 75235
UNITED TEACHER ASSOC	401 CAMP CRAFT RD AUSTIN	TX 78746
UNITRON CORP	1 44 1 TAMAGAWA CHOFU SHI TOKYO 182 JAPAN	FA 00000
UNIV OF CA DAN FRANC		IL 00000
UNIV OF CALIFORNIA		IL 00000
UNIV OF SOUTH DAKOTA		IL 00000

UNIVERSAL LIGHTING CO LTD	NO 32 38 KUO TAI RD CHUNAN MIAO LI H TAIWAN	FA 00000
UNIVERSITY OF MINNESOTA		IL 00000
VELLALPANDO	ADRIANA	AVENIDA JEREZ NORTE 319 COLONIA PUNT FA 00000
VICORP RESTAURANTS INC		PO BOX 4263 ENGLEWOOD CO 80155
VIDEO VIEWING INC		PO BOX 9190 LITTLE ROCK AR 72219
VISCOCCHI	FRANK	281 MARTINEAU C P 21 NOMINIGUE PQ J0 CANADA FA 00000
W J JONES ADMINISTRATION SERVICES INC		2001 MARCUS AVENUE LAKE SUCCESS NY 11042
W W FRANCHISE ASSOC		245 NEW YORK DRIVE FT WASHINGTON PA 19034
WAKO KABUSHIKI KAISHA		2 195 YASAKO SAGAMINE NAGAKUTE CHO JAPAN FA 00000
WALKER	EDNA	109 WARNER AV LOUISVILLE MS 39339
WALLER	JAMES	H 805 AMER DR FORT WASHINGTON MD 20744
WARREN	CHARLES	2135 PECK MUSKEGON HEIGHTS MI 49444
WARREN	ROBERT	2133 MORFETT MUSKEGON HEIGHTS MI 49444
WEINZWEIG	JON	9958 145TH STREET DAVENPORT IA 52804
WELCH	MILDRED	1871 ALLISON RD VANCOUVER 8 B C CANADA FA 00000
WESLEY	EVISON	1450 BRIGHTON CIRCLE LAWRENCE KS 66049
WHITE	WILLIAM	B 4224 OHIO ST GARY IN 46409

WILLIAMS	CLARA	PO BOX 326 PULLMAN MI 49450
WILLIAMS	DONALD	B PO BOX 460572 HOUSTON TX 77056
WILMINGTON MEDICAL CLAIM		CONNECTICUT GENERAL LIFE INS WILMINGTON DE 19850
WILSON	COY	W ST LOUIS MS 00000
WINN	GERALDINE	M BOX 2091 FAIRFIELD IA 52556
WINN	STEVEN	L BOX 2091 FAIRFIELD IA 52556
WISDOM	RONALD	1048 BARBEY STREET BROOKLYN NY 11207
WOO YANG ENTERPRISES CO LTD		7TH FL 182 2 HO PING E RD SEC 1 TAIP TAIWAN FA 00000
WOODARD HALL & PRIMM		7000 TEXAS COMMERCE TOWER HOUSTON TX 77002
WOODS	SUSAN	R 3003 NE 33RD AVE PORTLAND OR 97212
WOODY	LONNIE	B ROCK HILL SC 29730
YALE	ERNEST	PO BOX 187 STATION C MONTREAL H2L 4K FA 00000
YANGZHOU MACHINE TOOL WORKS		YANGZHOU JIANGSU 34 HUANG JIU BA RD CHINA FA 00000
YAU HORNG ENTERPRISE CO LTD		NO269 JIUNN SHIN ST SHULIN TAIPEI HS TAIWAN FA 00000
YONG FONG TRADE3 & DEVELOPMENT		11 WU LU MU QI RD C SHANGHAI CHINA FA 00000
YOO POONG ELECTRONIC CO LTD		SEOUNG BUK KU SEOUL 136 132 KOREA FA 00000
YOON	HOE	C APT 41 1108 S FOURTH AMES IA 50010
YOUNG	ADAM	3 E 54TH ST 20 FL

NEW YORK NY 10022

ZANIOS FOODS
PO BOX 99
MASON CITY IA 50401

ZENITH ELEC CORP TEXAS
PO BOX 9100
MC ALLEN TX 78502

ZIPS MICHELLE
3638 PALM GROVE DRIVE
MISSOURI CITY TX 77459

ZONE EAST ASSOCIATES LTD
278 3 SYHDER RD WU FONG SHIANG TAICH
TAIWAN FA 00000

3M E C C EUROPA B V
PO BOX 1302 3800 BH AMERS FOORT
NETHERLAND FA 00000

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)

1) Rulemaking:

A) Description: A Section defining dishonorable, unethical or unprofessional conduct by licensees, sanitation requirements for licensed salons and shops, requirements for licensure for clinical teachers and numerous technical changes will be proposed,

B) Statutory Authority: [225 ILCS 410]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed barbers, cosmetologists, estheticians, nail technicians, shops and salons will be affected by these Proposed Amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1370)

1) Rulemaking:

A) Description: Rules will be rewritten to bring them up to date with the Act.

B) Statutory Authority: [225 ILCS 105]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit corporations: Boxers, wrestlers, their promoters and referees could be affected by these Proposed Amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

A) Description: Technical corrections will be made to these rules.

B) Statutory Authority: [225 ILCS 107]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors and licensed clinical professional counselors may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

A) Description: The definition of dentistry will be revised, as will rules for examinations and anesthesia permits.

B) Statutory Authority: [225 ILCS 25]

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dentists and dental hygienists may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

A) Description: Rules will be amended to bring them up to date with the Act.

B) Statutory Authority: [225 ILCS 446]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed detectives, security contractors, alarm contractors, locksmiths, and agencies and their employees will be affected by these Proposed Amendments.

F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)

1) Rulemaking:

- A) Description: Continuing education rules will be revised.

B) Statutory Authority: [225 ILCS 41]

- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Funeral Directors and Embalmers and continuing educating providers may be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Illinois Nursing Act of 1987 (68 Ill. Adm. Code 1300)

1) Rulemaking:

- A) Description: The Nursing Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 65]

- C) Schedule meeting/hearing date: No meetings or hearings

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed practical nurses and registered nurses will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)

1) Rulemaking:

- A) Description: The Nursing Home Administrators Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 70]

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed nursing home administrators and continuing education providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

- i) Part(s) (Heading and Code Citation): Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: The optometry rules will be updated and changes will be made in the continuing education section.

B) Statutory Authority: [225 ILCS 80]

C) Schedule meeting/hearing date: No hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: The effects on eye care businesses are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

- j) Part(s) (Heading and Code Citation): Physician Assistant Practice Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

A) Description: The Physician Assistant Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 95]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physician assistants will be affected.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

- k) Part(s) (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)

1) Rulemaking:

A) Description: The Podiatry Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 100]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Podiatrists will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

- l) Part(s) (Heading and Code Citation): Public Accounting Act (Professional Conduct) (68 Ill. Adm. Code 1430)

1) Rulemaking:

A) Description: The Professional Conduct rules are being rewritten due to the Sunset Review of the Public Accounting Act. Continuing education changes also will be addressed.

B) Statutory Authority: [225 ILCS 450]

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

C) Schedule meeting/hearing date: No hearings have been scheduled, but meetings have been held with the Illinois Public Accountants Registration Committee.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Registered public accountants are required to follow professional conduct rules.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

m) Part(s) (Heading and Code Citation): Illinois Certified Shorthand Reporters Act (68 Ill. Adm. Code 1200)

1) Rulemaking:

A) Description: Ethical standards will be developed for compliance by certified shorthand reporters.

B) Statutory Authority: [225 ILCS 415]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Certified Shorthand Reporters will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

n) Part(s) (Heading and Code Citation): Clinical Social Work and Social Work Practice Act (68 Ill. Adm. Code 1470)

1) Rulemaking:

A) Description: The Social Work Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 20]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Social Workers and Clinical Social Workers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

o) Part(s) (Heading and Code Citation): Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)

1) Rulemaking:

A) Description: The Speech-Language Pathology and Audiology Rules will be updated to conform with the sunset rewrite of the Act in 1997.

B) Statutory Authority: [225 ILCS 110]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed Speech-Language Pathologists and Licensed Audiologists will be affected.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1998 REGULATORY AGENDA

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

a) Parts(s) (Heading and Code Citation): Structural Pest Control; 77 Ill. Adm. Code 8301) Rulemaking:

A) Description: This rulemaking will correct a provision that is inconsistent with Section 13 of the Structural Pest Control Act. Section 830.710(b)(5)(B) includes, as a type B violation, making or reporting false, misleading, or fraudulent information regarding structural pest control to the Department. This subsection will be amended to apply to any such information put forth by an business or individual licensed, certified, or registered by the Department, instead of only information supplied to the Department.

B) Statutory Authority: Structural Pest Control Act [225 ILCS 235]

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: A public hearing will be held during the first 45 day comment period. Notification of the hearing will be published in the Illinois Register.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Structural Pest Control Code contains regulations which affect the structural pest control industry.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson Fifth Floor
Springfield, Illinois 62761
(217)782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking:
None.

b) Parts(s) (Heading and Code Citation): Drinking Water Systems Code; 77 Ill. Adm. Code 900

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

1) Rulemaking:

A) Description: The amendments will require all non-transient, non-community public water supplies to be operated by the personnel who have attended training approved by the Department and have received certification from the Department after successful completion of this training. Operators will be required to be recertified every three years. These supplies must provide assurance to the Department that the supply has the capacity to meet USEPA drinking water standards and the supply is able to produce the quantity and quality of water to serve the needs of its users.

B) Statutory Authority: Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9]

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The Department will send an advance notice of the amendments and a request for comments to all affected supplies.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: Small business, schools and units of government which have a water supply and serve the same 25 people at least 6 months a year must comply with these rules. There are approximately 500 of these supplies in the State. Supplies will be required to send an operator to training and to have the operator recertified every three years. This cost must be paid by the supply. It is anticipated that the initial training will cost \$150 plus travel and the recertification will cost \$75 every three years.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761,
(217)782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

c) Parts(s) (Heading and Code Citation): Water Well and Pump Installation Contractors License Code; 77 Ill. Adm. Code 915.

1) Rulemaking:

A) Description: This rulemaking will implement House Bill 349, which requires all water well contractors and all water well and pump installation contractors to complete continuing education once every two years. In addition, the bill requires all plumbers who install water well pumps to be licensed as water well pump installation contractors, but exempts plumbers from paying license fees or taking the examination for licensure as a water well pump installation contractor. The rules will include requirements and Department approval procedures for continuing education.

B) Statutory Authority: Illinois Water Well and Pump Installation Contractors License Act [225 ILCS 345].

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The Department has met with the Illinois Association of Groundwater Professionals, which is the industry association, and the Water Well and Pump Installation Contractors License Board to obtain their ideas in the development of these rules. In addition, the Department will send an advance notice to all licensed well contractors informing them of the proposed rules and request comments. The rulemaking will be reviewed by the State Board of Health at its September 10, 1998 meeting.

D) Date Agency Anticipates First Notice: September, 1998

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: Small businesses affected are those that drill water wells and install water well pumps. Applicants for licensure will be required to attend a continuing education session approved by the Department once every two years. It is anticipated that the cost will vary from \$25 to \$50 per session.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental
Affairs

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043, e-mail: rules@dph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

- d) Part(s) (Heading and Code Citation): Child Health Examination Code; 77 Ill. Adm. Code 665

1) Rulemaking:

A) Description: Existing rules set forth the required immunizations for children attending school operated programs below the kindergarten level and kindergarten through the 12th grade. This rulemaking involves several changes to the immunization rules. Proposed changes in the immunization rules include revising the minimum intervals between doses of the polio vaccine series, and specifying a four month minimum interval between the first and third dose of the hepatitis B vaccine series. Changes in the minimum intervals between doses of these vaccines are necessary to be consistent with the current recommendations of the Advisory Committee on Immunization Practices (ACIP). Changes in the language of the diphtheria, tetanus, pertussis, and polio vaccine requirements are necessary to reflect current terminology regarding the various vaccines available.

- B) Statutory Authority: Section 27-8.1 of The School Code [105 ILCS 5/27-8.1]

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: Public hearings will be scheduled and will be announced in the Illinois Register.

D) Date Agency Anticipates First Notice: Changes to the immunization rules will not be proposed until the Department has reviewed the State Board of Health's recommendations regarding immunization policy in Illinois. These pending recommendations are a result of public hearings held pertaining to the current immunization requirements and the process by which the rules and regulations are revised.

E) Effect on Small Businesses, Small Municipalities, and Not-for-profit Corporations: It is anticipated that the proposed changes will have little impact on schools and school districts.

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

F) Agency Contact Person for Information:

Gail M. Devito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@dph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

- e) Part(s) (Heading and Code Citation): Immunization Code; 77 Ill. Adm. Code 695

1) Rulemaking:

A) Description: Existing rules set forth the required immunizations for children entering child care facilities, school operated programs below the kindergarten level and kindergarten through the 12th grade. This rulemaking involves a number of changes to the immunization rules. Proposed changes include: modifying the minimum intervals between doses of the polio vaccine series, specifying a four month minimum interval between the first and third dose of the hepatitis B vaccine series, clarifying which children entering child care facilities and school operated programs below the kindergarten level are required to provide proof of immunity, and revising the language of the diphtheria, tetanus, pertussis, and polio vaccine requirements are necessary to reflect current terminology regarding the various vaccines available. Changes in the minimum intervals between doses of vaccines containing diphtheria, tetanus, pertussis, and polio antigens are necessary to be consistent with the current recommendations of the Advisory Committee on Immunization Practices (ACIP). Additional revisions in the rules may be necessary depending upon pending recommendations from the State Board of Health.

- B) Statutory Authority: Communicable Disease Prevention Act [410 ILCS 315], Section 27-8.1 of The School Code [105 ILCS 5/27-8.1], Child Care Act of 1969 [225 ILCS 10/7].

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: Public hearings will be scheduled and will be announced in the Illinois Register.

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

D) Date Agency Anticipates First Notice: Changes to the immunization rules will not be proposed until the Department has reviewed the State Board of Health's recommendations regarding immunization policy in Illinois. These pending recommendations are a result of public hearings held pertaining to the current immunization requirements and the process by which the rules and regulations are revised.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: It is anticipated that the proposed changes will have little impact on child care facilities, schools, and school districts.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 6276
(217)782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

f) Parts(s) (Heading and Code Citation): Food Service Sanitation Code (77 Ill. Adm. Code 750) and Retail Food Store Sanitation Code (77 Ill. Adm. Code 760)

1) Rulemaking

A) Description: All existing Sections of Part 750 and Part 760 will be repealed and replaced with one set of rules at Part 750 entitled the Illinois Retail Food Code. The rulemaking will incorporate the FDA 1997 Model Food Code and will include sections of the repealed Food Service Sanitation Code and Retail Food Store Sanitation Code not addressed in the model federal regulations. Areas not covered by the FDA's document include food service sanitation manager certification, meat and poultry processing, game animals, specific Illinois Plumbing Code requirements and others. The intent of the rulemaking is to promote national and State-wide uniformity of regulation for retail food establishments.

B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

650], and Food Handling Regulation Enforcement Act (410 ILCS 625)

C) Schedule of Dates for Hearings, Meetings or Other Opportunities for Public Participation:

(1) Local health departments, trade organizations, food service sanitation manager certification course instructors and other key individuals were invited to regional meetings to discuss adoption of the rest of FDA's Food Code. Local health departments were asked to pass on this information to key retail food establishment operators within their jurisdiction. Meetings were held May 14, 1998 in Belleville, May 27, 1998 in Peoria, May 29, 1998 in Carbondale, June 1, 1998 in Rockford, June 2, 1998 in Wheaton and June 12, 1998 in Champaign. A summary of these comments will be sent back to the participants.

(2) July 31, 1998 - An Ad Hoc Retail Inspection Report Committee met to discuss and make recommendations to the Department on needed changes to the inspection report form and scoring system. Individuals were chosen who volunteered to work on this committee during the state-wide meetings to discuss adopting the rest of FDA's Food Code.

(3) Fall 1998 - a draft copy of the Retail Food Code being proposed as the replacement for the Food Service Sanitation Code and Retail Food Store Sanitation Code will be mailed to stakeholders (local health departments, professional and trade organizations, key retail facilities, food service sanitation manager certification course sponsors, etc.) for comments and recommendations before the official rulemaking process begins.

(4) Fall 1998 - Individual meetings with key trade organizations (Illinois Retail Merchant Association, Illinois Restaurant Association, Illinois Petroleum Marketers Association, Illinois Health Care Association, Illinois Council on Long Term Care, Illinois Hospital and Health Systems Association, National Automatic Merchandising Association, etc.) will be scheduled.

(5) December 1998/January 1999 - Two public hearings will

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

be scheduled during the first notice period, one each in Chicago and Springfield, to accept additional comments on the proposed amendments.

- (6) The rulemaking will be reviewed by the State Board of Health at its December 10, 1998 meeting.

D) Date Agency Anticipates First Notice: December 1998

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department expects there to be little effect on small businesses, small municipalities and not-for-profit organizations because the sections of the FDA Food Code requiring substantial changes were already adopted by the Department in 1996, and most food service establishments have already adapted to these changes. The remaining portions of the FDA Food Code will be mostly a change in form rather than content.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules coordinator
Division of Legal Services,
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

- G) Other Pertinent Information Concerning this Rulemaking: The concept of one code to cover regulation of food service establishments, retail food stores, institutional food services and vended foods was introduced to stakeholders in Illinois during the rulemaking process initiated in 1995 to amend Parts 750 and 760. At that time, there was consensus to use the FDA's Model Food Code as the basis for Illinois' requirements and to have only one code for all retail facilities.

- g) Part(s) (Heading and Code Citation): Manufactured Housing and Mobile Structures, 77 Ill. Adm. Code 880

1) Rulemaking:

- A) Description: The proposed rulemaking will establish requirements for factory inspections by an independent inspection agency of each manufactured housing unit and mobile structure manufactured or offered for sale or rent

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

for location in Illinois. Criteria for third party inspection agencies will be included in the rules. The proposed amendments will also adopt the most current model codes.

- B) Statutory Authority: Manufactured Housing and Mobile Home Safety Act [430 ILCS 115/1].

C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The Department will notify all state dealers and manufacturers of mobile homes in advance of the proposal of the amendments. The rulemaking will be reviewed by the State Board of Health at its September 10, 1998 meeting.

- D) Date Agency Anticipates First Notice: October 1, 1998

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The proposed rulemaking will require manufacturers to have each unit inspected by an independent inspection agency.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

- G) Other Pertinent Information Concerning this Rulemaking: None

- h) Part(s) (Heading and Code Citation): Swimming Pool and Bathing Beach Code, 77 Ill. Adm. Code 820

1) Rulemaking:

- A) Description: Several changes are proposed related to the design and operation of swimming pools, wading pools, water slides and other aquatic facilities. The changes will reflect current usage of aquatic facilities and will address issues such as showers, bather load, rescue equipment, lifeguard requirements, procedures for sanitizing a facility following a fecal accident or similar incident, requirements for infants to wear tight fitting rubber or plastic pants, and many other changes related to the operation of the

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

facilities. The design requirements will be revised to allow for greater flexibility.

- B) Statutory Authority: Swimming Pool and Bathing Beach Act, [210 ILCS 125].

- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: The rulemaking will be reviewed by the State Board of Health at its September 10, 1998 meeting. The public can comment during the first notice period.

- D) Date Agency Anticipates First Notice: October, 1998

- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The proposed rulemaking will have little effect on existing pools and beaches.

- F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

- G) Other Pertinent Information Concerning this Rulemaking: None

- i) Parts(s) (Heading and Code Citation): Milk Hauler/Sampler (Title 77, New Part)

1) Rulemaking:

- A) Description: The Grade A Pasteurized Milk and Milk Products Act and the Illinois Food, Drug and Cosmetic Act require a person to obtain a permit in order to grade and sample raw milk for collection at a dairy farm. Successful completion of training and testing is required prior to issuance of this permit. These rules will clarify and update agency policies concerning milk hauler-samplers.

- B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635], Illinois Food, Drug and Cosmetic Act, [410 ILCS 620].

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: September 1998 - Dairy industry representatives meeting (unscheduled), January 1999 - Milk Hauler-Sampler meetings (unscheduled), March 1999 - State Board of Health Meeting. The rulemaking will be reviewed by the State Board of Health at its December 10, 1998 meeting.

- D) Date Agency Anticipates First Notice: February 1999

- E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: This rule would clarify and update agency policies concerning milk hauler-samplers.

- F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
525 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

- G) Other Pertinent Information Concerning this Rulemaking: None

- j) Parts(s) (Heading and Code Citation): Grade A Pasteurized Milk and Milk Product; 77 Ill. Adm. Code 775 and Manufactured Dairy Products; 77 Ill. Adm. Code 785.

1) Rulemaking:

- A) Description: Public Act 89-526 provided for permits for bulk milk pickup tanks. These rulemakings will establish a mechanism for issuance of these permits, revise criteria for construction and maintenance at dairy farms, and specify procedures for enforcement action for non-compliance.

- B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635], Illinois Food Drug and Cosmetic Act [410 ILCS 620].

- C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: September, 1998 - Dairy Industry Representatives meeting(unscheduled), January, 1999 - Bulk Milk Hauler/Sampler

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

meetings(unscheduled), December 10, 1998 - Board of Health Meeting

D) Date Agency Anticipates First Notice: February 1999

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rule will provide for a permit system for bulk milk pickup tanks. In some instances these tanks are owned by small businesses. However, without the system created by these rules, the milk cooperatives who utilize non-permitted trucks will fail interstate milk shippers ratings conducted by the United States Food and Drug Administration(USFDA) Cooperative Program with the National Conference of Interstate Milk Shippers(NCIMS). This failure will jeopardize their ability to conduct business in interstate markets as regulated by other states and the USFDA.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

k) Parts(s) (Heading and Code Citation): Grade A Pasteurized Milk and Milk Products; 77 Ill. Adm. Code 775 and Manufactured Dairy Products; 77 Ill. Adm. Code 785.

1) Rulemaking:

A) Description: Public Act 89-526 provided for certification of pasteurizer sealers. This rulemaking will establish a mechanism for training and certification, criteria for pasteurizer testing and sealing, responsibilities of the certified individual and procedures for enforcement action for non-compliance.

B) Statutory Authority: Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635], Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: September 1998 (date to be announced) - Dairy Industry Representatives meeting, November, 1998 (date to be announced) - Dairy Processing Plant meeting, December 10, 1998 - State Board of Health Meeting.

D) Date Agency Anticipates First Notice: February 1999.

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rule will provide for certification of pasteurizer sealers. Although a nominal fee will be assessed, this rule will allow properly trained and certified employees of Grade A and manufactured milk product pasteurization plants to test and seal pasteurization equipment on a temporary basis. This will provide for a greater measure of safety and operating efficiency for the processing plant.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor,
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

1) Parts(s) (Heading and Code Citation): Health Care Facility Plan Review Code; 77 Ill. Adm. Code 290

1) Rulemaking

A) Description: These rules will implement amendments to the Ambulatory Surgical Treatment Center Act, the Nursing Home Care Act, and the Hospital Licensing Act that authorize the Department to charge a fee for the review of architectural plans for specific types of construction projects. The rules will include requirements for development, submission, and review of specifications and drawings, interim and final inspections, and violations and fines. Applicability provisions and definitions will also be included.

B) Statutory Authority: Section 8 of the Ambulatory Surgical

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

Treatment Center Act [210 ILCS 5/8], Section 3-202.5 of the Nursing Home Care Act [210 ILCS 45/3-202.5], and Section 8 of the Hospital Licensing Act [210 ILCS 85/8]. C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These rules will be reviewed by the Long-Term Care Facility Advisory Board, the Hospital Licensing Board, and the Ambulatory Surgical Treatment Center Licensing Board.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rulemaking will affect hospitals, long-term care facilities, and ambulatory surgical treatment centers, some of which may be small businesses or may be owned or operated by small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules

Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

m) Parts(s) (Heading and Code Citation): Hospital Licensing Requirements; 77 Ill. Adm. Code 250

1) Rulemaking:

A) Description: Section 250.330 (Orders for Medication and Treatments will be amended to state that orders may be sent via telefax or facsimile machine and that such orders shall be used sparingly and countersigned within 24 hours. Section 250.1510 (Medical Records) will be amended to include requirements for policies governing the use of faxed orders and records. A new Section will be added concerning use of restraints.

B) Statutory Authority: The Hospital Licensing Act [210 ILCS 85]. C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These amendments

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

were approved by the Hospital Licensing Board at its meeting on May 12, 1998.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rulemaking will affect hospitals, some of which may be small businesses or may be owned or operated by small municipalities or not-for-profit corporations.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules
Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor,
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

n) Parts(s) (Heading and Code Citation): Health Care Facility and Program Initial Certification Fee Code; 77 Ill. Adm. Code 230

1) Rulemaking:

A) Description: This rulemaking implements Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82] which allows the Department to charge a fee for initial Certification (Medicare and Medicaid) surveys. The rules set forth a process for determining the cost of a survey. If the federal government provides reimbursement, the fee will be reduced.

B) Statutory Authority: Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82].

C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These rules were considered by the State Board of Health at its meeting on June 11, 1998.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

Not-for Profit Corporations: This rulemaking will affect long-term care facilities, home health agencies, and other health care programs choosing to participate in the federal Certification program of the Social Security Act.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules
Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: Noneo) Parts(s) (Heading and Code Citation): Emergency Medical Services and Trauma Center Code; 77 Ill. Adm. Code 5151) Rulemaking:

A) Description: Section 515.420 will be amended to reference criteria listed in Section 515.430 that are to be used to determine whether to suspend an individual from System participation. Sections 515.530, 515.540, and 515.590 will be amended to state that a passing grade on the EMT examination is a score of 75 percent or higher. A provision allowing an EMT to revert to First Responder status will be added to Section 515.590. Reciprocity requirements will be clarified in Section 515.610. Requirements for continuing education and re-registration for First Responders will be added for Level I and Level II Trauma Center designation in Sections 515.2030 and 515.2040. Changes will be made in the trauma center reporting requirements in Section 515.2050. Cross-references will be corrected in Section 515. Appendix A. Forms will be added for submitting credentials of surgeons and physicians.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210ILCS 50].

C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These rules were considered by the EMS Council at its meeting on June 18, 1998.

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rulemaking will affect EMS providers, some of whom may be small businesses, small municipalities, or not-for-profit corporations.

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules
Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: Nonep) Parts(s) (Heading and Code Citation): Regional Poison Control Center Code; 77 Ill. Adm. Code 2151) Rulemaking:

A) Description: These rules will implement the Poison Control System Act [410 ILCS 47]. The rules establish requirements for participation in the program, standards that must be met to achieve designation, and staffing and reporting requirements. The American Association of Poison Control Centers? Criteria for Certification as a Regional Poison Control Center, which must be met by Regional Poison Control Centers, are included in the rules as Appendix A.

B) Statutory Authority: Poison Control System Act [410 ILCS 47]

C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These rules were considered by the State Board of Health at its meeting on June 11, 1998.

D) Date Agency Anticipates First Notice: August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rulemaking will not affect small businesses, small municipalities and not-for-profit corporation.

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

F) Agency Contact Person for Information:

Gail M. DeVito
Administrative Rules
Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: None

q) Parts(s) (Heading and Code Citation): Psychiatric Rehabilitation
Extended Care Facility Code; 77 Ill. Adm. Code 360

1) Rulemaking:

A) Description: These new rules will regulate the licensure of psychiatric extended care facilities under the Nursing Home Care Act. A psychiatric extended care facility is an existing facility serving residents more than 50% of whom have a primary diagnosis of mental illness with no primary diagnosis of developmental disability and no primary medical condition that would otherwise qualify the resident to reside in any other level of care under the Nursing Home Care Act. The rules will address the services to be provided by the facility: resident rights; resident records; policies and facility records; food service; physical plant standards, furnishings, equipment and supplies; and licensure requirements.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Schedule of Dates for Hearings, Meetings, or other Opportunities for Public Participation: These rules were considered by the Long-Term Care Facility Advisory Board at its meeting on July 15, 1998.

D) Date Agency Anticipates First Notice: August 1998.

G) Effect on Small Businesses, Small Municipalities, and Not-for Profit Corporations: This rulemaking will not affect small businesses, small municipalities and not-for-profit corporation.

F) Agency Contact Person for Information:

DEPARTMENT OF PUBLIC HEALTH

JULY 1998 REGULATORY AGENDA

Gail M. DeVito
Administrative Rules
Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

G) Other Pertinent Information Concerning this Rulemaking: In conjunction with this rulemaking, the Department will repeal Subpart Q of the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300), which formerly regulated Specialized Living Facilities for the Mentally Ill.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSBoard of Trustees of the University of Illinois

1. Repeal of Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 530)
-First Notice Published: 21 Ill Reg 12113 - 9/5/97
-Expiration of Second Notice: 9/5/98
2. Repeal of Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois University: Procurement and Bidding (44 Ill Adm Code 535)
-First Notice Published: 21 Ill Reg 12116 - 9/5/97
-Expiration of Second Notice: 9/5/98
3. Repeal of Joint Rules of the Board of Regents, the Board of Governors of State Colleges and Universities, the Board of Trustees of the University of Illinois, and the Board of Trustees of Southern Illinois

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

University: Procurement and Bidding (44 Ill Adm Code 540)
-First Notice Published: 21 Ill Reg 12110 - 9/5/97
-Expiration of Second Notice: 9/5/98

Children and Family Services

4. Reports of Child Abuse and Neglect (89 Ill Adm Code 300)
-First Notice Published: 22 Ill Reg 7802 - 5/8/98
-Expiration of Second Notice Period: 8/27/98

5. Access to and Eligibility for Child Welfare Services (89 Ill Adm Code 304)
-First Notice Published: 21 Ill Reg 13220 - 10/3/97
-Expiration of Second Notice Period: 9/11/98

Commerce Commission

6. Municipal Electric Tax Rates (83 Ill Adm Code 418)
-First Notice Published: 22 Ill Reg 7083 - 4/24/98
-Expiration of Second Notice: 8/19/98

Education

7. Charter Schools (23 Ill Adm Code 650)
-First Notice Published: 22 Ill Reg 6005 - 4/3/98
-Expiration of Second Notice: 8/27/98

Financial Institutions

8. Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill Adm Code 130)
-First Notice Published: 22 Ill Reg 6019 - 4/3/98
-Expiration of Second Notice: 8/20/98

9. Credit Union Act (38 Ill Adm Code 190)
-First Notice Published: 22 Ill Reg 6012 - 4/3/98
-Expiration of Second Notice: 8/20/98

Gaming Board

10. Riverboat Gambling (86 Ill Adm Code 3000)
-First Notice Published: 22 Ill Reg 7097 - 4/24/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

-Expiration of Second Notice: 8/28/98

Human Services

11. Repeal of Drug Abuse Programs (77 Ill Adm Code 2055)
-First Notice Published: 22 Ill Reg 9020 - 5/29/98
-Expiration of Second Notice: 9/11/98

12. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 9102 - 5/29/98
-Expiration of Second Notice: 9/16/98

13. Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 22 Ill Reg 8278 - 5/15/98
-Expiration of Second Notice: 8/29/98

14. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 8258 - 5/15/98
-Expiration of Second Notice: 8/29/98

15. Service Planning and Provision (89 Ill Adm Code 684)
-First Notice Published: 22 Ill Reg 8634 - 5/22/98
-Expiration of Second Notice: 9/6/98

16. Provider Requirements, Type Services and Rates of Payment (89 Ill Adm Code 686)
-First Notice Published: 22 Ill Reg 7832 - 5/8/98
-Expiration of Second Notice: 8/26/98

17. Provider Requirements, Type Services and Rates of Payment (89 Ill Adm Code 686)
-First Notice Published: 22 Ill Reg 8272 - 5/15/98
-Expiration of Second Notice: 8/29/98

18. Repeal of Case Management Services to Persons with AIDS (89 Ill Adm Code 716)
-First Notice Published: 22 Ill Reg 7820 - 5/8/98
-Expiration of Second Notice: 8/26/98

Insurance

19. Advertising and Sales Promotion of Life Insurance and Annuities (50 Ill Adm Code 909)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

-First Notice Published: 22 Ill Reg 7439 - 5/1/98
-Expiration of Second Notice: 8/20/98

20. Accelerated Life Benefit/Terminal Illness/Qualified Conditions (50 Ill Adm Code 1407)
-First Notice Published: 22 Ill Reg 8652 - 5/22/98
-Expiration of Second Notice: 9/16/98

21. Securities Custody Affidavit (50 Ill Adm Code 4425)
-First Notice Published: 22 Ill Reg 7444 - 5/1/98
-Expiration of Second Notice: 8/29/98

Natural Resources

22. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
-First Notice Published: 22 Ill Reg 8686 - 5/22/98
-Expiration of Second Notice: 9/3/98

Pollution Control Board

23. Site Remediation Program (35 Ill Adm Code 740)
-First Notice Published: 22 Ill Reg 7483 - 5/1/98
-Expiration of Second Notice: 8/28/98

Professional Regulation

24. Collection Agency Act (68 Ill Adm Code 1210)
-First Notice Published: 22 Ill Reg 9466 - 6/5/98
-Expiration of Second Notice: 9/11/98

25. The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)
-First Notice Published: 22 Ill Reg 10269 - 6/12/98
-Expiration of Second Notice: 9/11/98

26. Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)
-First Notice Published: 22 Ill Reg 7505 - 5/1/98
-Expiration of Second Notice: 9/13/98

27. Respiratory Care Practice Act (68 Ill Adm Code 1456)
-First Notice Published: 22 Ill Reg 8756 - 5/22/98
-Expiration of Second Notice: 8/27/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

Public Aid

28. Support Responsibility of Relatives (89 Ill Adm Code 103)
-First Notice Published: 22 Ill Reg 9255 - 5/29/98
-Expiration of Second Notice: 9/9/98
29. Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 22 Ill Reg 9242 - 5/29/98
-Expiration of Second Notice: 9/16/98

30. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 22 Ill Reg 7534 - 5/1/98
-Expiration of Second Notice: 9/3/98

31. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 22 Ill Reg 8356 - 5/15/98
-Expiration of Second Notice: 8/19/98

32. Long Term Care Reimbursement Changes (89 Ill Adm Code 153)
-First Notice Published: 22 Ill Reg 7888 - 5/8/98
-Expiration of Second Notice: 9/5/98

Public Health

33. Lead Poisoning Prevention Code (77 Ill Adm Code 845)
-First Notice Published: 22 Ill Reg 2532 - 1/30/98
-Expiration of Second Notice: 8/19/98

Revenue

34. Motor Fuel Tax (86 Ill Adm Code 500)
-First Notice Published: 22 Ill Reg 8371 - 5/15/98
-Expiration of Second Notice: 8/27/98

State Police Merit Board

35. Procedures of the Department of State Police Merit Board (80 Ill Adm Code 150)
-First Notice Published: 22 Ill Reg 8376 - 5/15/98
-Expiration of Second Notice: 9/26/98

State Police

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

36. Firearm Owner's Identification Card Act (20 Ill Adm Code 1230)
-First Notice Published: 22 Ill Reg 6925 - 4/17/98
-Expiration of Second Notice Period: 9/3/98
37. Firearm Transfer Inquiry Program (20 Ill Adm Code 1235)
-First Notice Published: 22 Ill Reg 7572 - 5/1/98
-Expiration of Second Notice: 9/2/98

Transportation

38. Procedures (92 Ill Adm Code 107)
-First Notice Published: 22 Ill Reg 10306 - 6/12/98
-Expiration of Second Notice: 9/11/98

39. General Information, Regulations and Definitions (92 Ill Adm Code 171)
-First Notice Published: 22 Ill Reg 10294 - 6/12/98
-Expiration of Second Notice: 9/11/98

40. Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)
-First Notice Published: 22 Ill Reg 10302 - 6/12/98
-Expiration of Second Notice: 9/11/98

41. Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)
-First Notice Published: 22 Ill Reg 10311 - 6/12/98
-Expiration of Second Notice: 9/11/98

42. Carriage by Public Highway (92 Ill Adm Code 177)
-First Notice Published: 22 Ill Reg 10286 - 6/12/98
-Expiration of Second Notice: 9/11/98

43. Specifications for Packagings (92 Ill Adm Code 178)
-First Notice Published: 22 Ill Reg 10315 - 6/12/98
-Expiration of Second Notice: 9/11/98

44. Specifications for Tank Cars (92 Ill Adm Code 179)
-First Notice Published: 22 Ill Reg 10325 - 6/12/98
-Expiration of Second Notice: 9/11/98

45. Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)
-First Notice Published: 22 Ill Reg 10290 - 6/12/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

- Expiration of Second Notice: 9/11/98
46. Minimum Safety Standards for Construction of Type I School Buses (92 Ill Adm Code 440)
-First Notice Published: 22 Ill Reg 5833 - 3/27/98
-Expiration of Second Notice: 8/27/98

EMERGENCY AND PEREMPTORY RULEMAKINGSBanks and Real Estate

47. Licensing and Regulation of Pawnbrokers (38 Ill Adm Code 360) (Emergency)
-Notice Published: 22 Ill Reg 12963 - 7/17/98
48. Repeal of Real Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)
-Notice Published: 22 Ill Reg 12979 - 7/17/98
49. Real Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)
-Notice Published: 22 Ill Reg 13011 - 7/17/98

Capital Development Board

50. Repeal of Procurement Practices (44 Ill Adm Code 910) (Emergency)
-Notice Published: 22 Ill Reg 14329 - 7/31/98
51. Procurement Practices (44 Ill Adm Code 910) (Emergency)
-Notice Published: 22 Ill Reg 14333 - 7/31/98

Central Management Services

52. Repeal of Standard Procurement (44 Ill Adm Code 1) (Emergency)
-Notice Published: 22 Ill Reg 12632 - 7/17/98

53. Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill Adm Code 10) (Emergency)
-Notice Published: 22 Ill Reg 12584 - 7/17/98

54. Pay Plan (80 Ill Adm Code 310) (Emergency)
Ill Reg 12607 - 7/17/98
-Notice Published: 22

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

55. Travel (80 Ill Adm Code 2800) (Emergency)
-Notice Published: 22 Ill Reg 12082 - 7/10/98
56. Acquisition, Management and Disposal of Real Property (44 Ill Adm Code 5000) (Emergency)
-Notice Published: 22 Ill Reg 12569 - 7/17/98

Chief Procurement Officer for Public Institutions of Higher Education and Board of Trustees of the Illinois Public Universities

57. Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and the Illinois Public Universities (44 Ill Adm Code 526) (Emergency)
-Notice Published: 22 Ill Reg 13905 - 7/24/98

Commerce Commission

58. Standards of Service for Electric Utilities (83 Ill Adm Code 410) (Emergency)
-Notice Published: 22 Ill Reg 11215 - 6/26/98
59. Electric Reliability (83 Ill Adm Code 411) (Emergency)
-Notice Published: 22 Ill Reg 11177 - 6/26/98

60. Non-Discrimination in Affiliate Transactions for Electric Utilities (83 Ill Adm Code 450) (Emergency)
-Notice Published: 22 Ill Reg 11204 - 6/26/98

Governor

61. Supplemental Procurement Rules (44 Ill Adm Code 1500) (Emergency)
-Notice Published: 22 Ill Reg 12823 - 7/17/98

Human Services

62. Child Care (89 Ill Adm Code 50) (Emergency)
-Notice Published: 22 Ill Reg 12816 - 7/17/98
63. Audit Requirements (89 Ill Adm Code 507) (Emergency)
-Notice Published: 22 Ill Reg 12154 - 7/10/98
64. Award and Monitoring of Funds (77 Ill Adm Code 2030) (Emergency)
-Notice Published: 22 Ill Reg 12158 - 7/10/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

65. Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 22 Ill Reg 12167 - 7/10/98
66. Grants (59 Ill Adm Code 103) (Emergency)
-Notice Published: 22 Ill Reg 12176 - 7/10/98
67. Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities (59 Ill Adm Code 120) (Emergency)
-First Notice Published: 22 Ill Reg 12185 - 7/10/98
68. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090) (Emergency)
-Notice Published: 22 Ill Reg 12189 - 7/10/98
69. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 22 Ill Reg 12197 - 7/10/98
- Lt. Governor
70. Supplemental Procurement Rules (44 Ill Adm Code 1600) (Emergency)
-Notice Published: 22 Ill Reg 12893 - 7/17/98
- Professional Regulation
71. Professional Boxing and Wrestling Act (68 Ill Adm Code 1370) (Emergency)
-Notice Published: 22 Ill Reg 14346 - 7/31/98
- Public Aid
72. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149) (Emergency)
-Notice Published: 22 Ill Reg 13064 - 7/17/98
73. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 22 Ill Reg 13070 - 7/17/98
74. Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)
-Notice Published: 22 Ill Reg 13114 - 7/17/98
75. Medical Payment (89 Ill Adm Code 140) (Emergency)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 18, 1998

- Notice Published: 22 Ill Reg 13117 - 7/17/98
76. Specialized Health Care Delivery Systems (89 Ill Adm Code 146) (Emergency)
-Notice Published: 22 Ill Reg 13146 - 7/17/98
- Revenue
77. Electricity Excise Tax Law (86 Ill Adm Code 511) (Emergency)
-Notice Published: 22 Ill Reg 13978 - 7/24/98
- Teachers' Retirement System
78. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650) (Emergency)
-Notice Published: 22 Ill Reg 13151 - 7/17/98
- AGENCY RESPONSE
- Capitol Development Board
79. Standard for Award of Grants Elementary and Secondary Schools Capital Assistance Program (71 Ill Adm Code 40)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 28, 1998 through August 3, 1998 and have been scheduled for review by the Committee at its August 18, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/11/98	Department of Children and Family Services, Access to and Eligibility for Child Welfare Services (89 Ill Adm Code 304)	10/3/97 21 Ill Reg 13220	8/18/98
9/11/98	Department of Human Services, Repeal of Drug Abuse Programs (77 Ill Adm Code 2055)	5/29/98 22 Ill Reg 9020	8/18/98
9/11/98	Department of Transportation, Procedures (92 Ill Adm Code 107)	6/12/98 22 Ill Reg 10306	8/18/98
9/11/98	Department of Transportation, General Information, Regulations and Definitions (92 Ill Adm Code 171)	6/12/98 22 Ill Reg 10294	8/18/98
9/11/98	Department of Transportation, Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)	6/12/98 22 Ill Reg 10302	8/18/98
9/11/98	Department of Transportation, Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 173)	6/12/98 22 Ill Reg 10311	8/18/98
9/11/98	Department of Transportation, Carriage by Public Highway (92 Ill Adm Code 177)	6/12/98 22 Ill Reg 10286	8/18/98
9/11/98	Department of Transportation, Specifications for Packagings (92 Ill Adm Code 178)	6/12/98 22 Ill Reg 10315	8/18/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Department of	Act	Ill Adm Code	Reg	Date
9/11/98	Department of Transportation, Specifications for Tank Cars (92 Ill Adm Code 179)	6/12/98 22 Ill Reg 10325			8/18/98
9/11/98	Department of Transportation, Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)	6/12/98 22 Ill Reg 10290			8/18/98
9/11/98	Department of Professional Regulation, Collection Agency Act (68 Ill Adm Code 1210)	6/5/98 22 Ill Reg 9466			8/18/98
9/11/98	Department of Professional Regulation, The Professional Engineering Practice Act of 1989 (68 Ill Adm Code 1380)	6/12/98 22 Ill Reg 10269			8/18/98
9/13/98	Department of Professional Regulation, Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)	5/1/98 22 Ill Reg 7505			8/18/98
9/16/98	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	5/29/98 22 Ill Reg 9242			8/18/98
9/16/98	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	5/29/98 22 Ill Reg 9102			8/18/98
9/16/98	Department of Insurance, Accelerated Life Benefit/Terminal Illness/Qualified Conditions (50 Ill Adm Code 1407)	5/22/98 22 Ill Reg 8652			8/18/98

Rules acted upon during the quarter of April 1 through July 31, 1998 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

8-258-26	35-721-24	59-104-33	86-150-33	92-172-24	23-180-29	50-4404-20	86-3000-24
11-1770-31	35-722-24	59-115-33	86-500-18, 19, 20	92-173-24	23-232-18	50-4415-19	89-112-32, 33
14-140-30	35-723-24	59-132-33	86-530-18	92-177-24	23-275-29	50-4435-24	89-113-30
14-485-19	35-724-24	59-119-17, 31	86-670-18	92-178-24	23-451-18	59-115-20	89-120-20
17-110-21	35-725-24	59-120-28	86-680-18	92-179-24	23-2700-26	59-119-19	89-121-19
17-510-21	35-726-24	62-240-27	86-3000-17, 22	92-180-24	23-2720-26	59-121-19	89-140-24
17-530-21	35-728-24	68-1210-23	89-10-28	92-180-24	23-2730-26	89-144-22	89-148-27
17-550-20	35-728-24	68-1245-29	89-14-26	92-180-24	23-2733-26	62-300-20	89-160-33
17-570-20	35-732-24	68-1252-18	89-20-31	92-180-24	23-2735-26	62-2501-27	89-302-17, 21
17-590-21	35-830-27	68-1283-18	89-50-29	92-180-24	23-2736-26	68-900R-25	89-309-21
17-680-21	35-831-27	68-1300-21	89-103-22	92-180-24	23-2755-26	68-1220-24, 33	89-401-24
17-690-20	35-885-25	68-1330-19	89-112-22, 26, 27, 28	92-180-24	23-2760-26	68-1230-24	89-679-24
17-710-31	38-300-20	68-1370-31	89-113-26, 27	92-180-24	23-2761-26	68-1245-20	92-441-28
17-715-20	38-356-20	68-1380-24	89-114-27	92-180-24	23-2763-26	68-1252-24	92-541-28
17-720-20	38-360-31	68-1455R-31	89-117-20, 26, 31	92-180-24	23-2764-26	68-1285-24	92-1010-20
17-730-20	38-392-20	68-1455-31	89-120-22, 29	92-180-24	23-2765-26	68-1375-20	92-1020-27
17-740-20	41-170-21	68-1456-21	89-121-20, 24, 28, 30	92-180-24	23-2771-26	71-40-23	92-1040-30
17-780-21	44-1R-20	68-1465-31	89-112-30	92-180-24	23-2790-26	77-205-22	
17-880-21	44-1-20	71-100-31	89-140-18, 31	92-180-24	32-330-32	77-250-22	
17-2010-21	44-10-22	77-300-30	89-144-31	92-180-24	32-420R-24	77-280R-24	
17-3025-21	44-525R-25	77-330-30	89-146-29	92-180-24	32-422-24	77-280-24	
20-720-21	44-526-25	77-340-30	89-148-20, 29, 33	92-180-24	32-610R-23	77-465-31	
20-1235-18	44-610-33	77-350-30	89-149-29	92-180-24	35-183R-31	77-510-18	
20-1780-32	44-650-23	77-390-30	89-153-19, 29	92-180-24	35-190R-31	77-515-28	
23-1-23	44-660-23	77-661-20	89-165-26	92-180-24	35-195R-31	77-518-30	
23-25-29	44-910R-31	77-692-32	89-166-26	92-180-24	35-201-27, 28	77-591-32	
23-56-23	44-910-31	77-1100-22	89-140-26	92-180-24	35-211-27	77-600-32	
23-145-19	44-950-31	77-1110-22	89-240-24	92-180-24	35-215-27	77-692-32	
23-260-29	44-980-31	77-2030-28	89-302-18	92-180-24	35-218-31	77-696-25	
23-575-23	44-1120-22	77-2055R-22	89-305R-19	92-180-24	35-220-28	77-820-22	
26-201-19	44-1400-19	77-2090-28	89-315-19	92-180-24	35-240-30	77-860-21	
26-202-19	44-1500-29	80-150-20	89-316-21	92-180-24	35-310-27	77-860R-21	
26-204-19	44-1600-29	80-302-19	89-360-26	92-180-24	35-703-18	80-302-33	
26-216-19	44-2000-28	80-310-18, 29	89-431-19	92-180-24	35-721-18	80-1650-17	
32-370-33	44-5000-20	80-1650-17, 22, 29	89-437-27	92-180-24	35-724-18	80-3000-28	
35-211-18	47-310-31	80-2800-28	89-507-28	92-180-24	35-725-18	83-416-23	
35-252-25	50-201-32	83-410-26	89-557-31	92-180-24	35-728-18	83-505-23	
35-276-30	50-301-33	83-421-32	89-557-31	92-180-24	35-733-18	83-506-23	
35-304-24	50-909-18	83-418-17	89-676-19	92-180-24	35-742-25	83-605-28	
35-310-18	50-935-21	83-421-32	89-684-21	92-180-24	35-811-27	83-650-28	
35-355-29	50-1406-28	83-450-26	89-686-19, 20, 33	92-180-24	35-813-27	86-130-28	
35-506-24	50-1407-21	83-595-27	89-716R-19	92-180-24	38-110-30	86-495-28	
35-580-17	54-425-18	83-745-26	92-107-24	92-180-24	38-140-29	86-516-25	
35-703-24	56-350-20	86-100-17	92-171-24	92-180-24	38-160-30	86-500-33	
35-720-24	59-103-28	86-130-33		92-180-24	38-300-33	86-517-25	
				92-180-24	38-356-33	86-670-33	
				92-180-24	38-392-33	86-680-33	
				92-180-24	38-900-33	86-750-25	
				92-180-24	44-750-28	86-760-33	

EMERGENCY

23-56-23	23-575-23	23-370-33	38-360-29	44-1R-29	44-1-29	44-10-29	44-525R-33	44-526-30	44-530R-33	44-535R-33	44-540R-33	44-660-27	44-910R-31	44-910-31	44-1120-28	44-1300-28	44-1400-29	44-1500-29	44-1600-29	44-2000-28	44-5000-29	59-103-28	59-120-28	68-1370-31	68-1455R-29	68-1455-20, 29	77-2030-28	77-2090-28	80-310-29	80-1650-17, 22, 29
----------	-----------	-----------	-----------	----------	---------	----------	------------	-----------	------------	------------	------------	-----------	------------	-----------	------------	------------	------------	------------	------------	------------	------------	-----------	-----------	------------	-------------	----------------	------------	------------	-----------	--------------------

92-172-24	23-180-29	50-4404-20	86-3000-24
92-173-24	23-232-18	50-4415-19	89-112-32, 33
92-177-24	23-275-29	50-4435-24	89-113-30
92-178-24	23-451-18	59-115-20	89-120-20
92-179-24	23-2700-26	59-119-19	89-121-19
92-180-24	23-2720-26	59-121-19	89-140-24
92-1060-31	23-2730-26	89-144-22	89-148-27
	23-2733-26	62-300-20	89-160-33
	23-2735-26	62-2501-27	89-302-17, 21
ADOPTED	23-2736-26	68-900R-25	89-309-21
2-570-29	23-2755-26	68-1220-24, 33	89-401-24
2-961-32	23-2760-26	68-1230-24	89-679-24
2-6000-23	23-2761-26	68-1245-20	92-441-28
8-3-28	23-2763-26	68-1252-24	92-541-28
8-270-27	23-2764-26	68-1275-24	92-1010-20
8-755-22	23-2765-26	68-1285-24	92-1020-27
11-204-32	23-2771-26	68-1375-20	92-1040-30
11-502-24	23-2790-26	71-40-23	
11-1770-22	32-330-32	77-205-22	
14-135-23	32-420R-24	77-250-22	
14-145-17	32-422-24	77-280R-24	
14-510-24	32-610R-23	77-280-24	
14-550-24	35-183R-31	77-465-31	
17-110-33	35-190R-31	77-510-18	
17-130-28	35-195R-31	77-515-28	
17-510-33	35-201-27, 28	77-518-30	
17-530-33	35-211-27	77-591-32	
17-550-33	35-215-27	77-600-32	
17-570-33	35-218-31	77-692-32	
17-650-19	35-220-28	77-696-25	
17-660-19	35-240-30	77-820-22	
17-670-19	35-310-27	77-860-21	
17-680-33	35-703-18	77-860R-21	
17-690-33	35-720-18	80-302-33	
17-715-33	35-721-18	80-1650-17	
17-720-33	35-724-18	80-3000-28	
17-730-33	35-725-18	83-416-23	
17-740-33	35-728-18	83-505-23	
17-880-33	35-733-18	83-506-23	
17-1536-24	35-742-25	83-605-28	
17-2010-33	35-811-27	83-650-28	
17-2080-24	35-813-27	83-757-21	
17-2520-24	35-848-27	86-130-28	
17-3025-33	38-110-30	86-495-28	
20-1570-23	38-140-29	86-500-33	
23-25-28	38-160-30	86-516-25	
23-50-29	38-300-33	86-517-25	
23-150R-19	38-356-33	86-670-33	
23-151-29	38-392-33	86-680-33	
23-160-30	38-900-33	86-750-25	
23-170R-29	44-750-28	86-760-33	

80-2800-28
83-410-26
83-411-26
83-450-26
86-511-30
89-50-29
89-112-28
89-121-24,28
89-140-29
89-146-29
89-148-29,33
89-149-29
89-153-29
89-302-17
89-507-28

PEREMPTORY

8-125-22
80-310-17,18

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

1977-1978	1979	1980	1981	1982	1983	1984	1985	1986	
1987	1988	1989	1990	1991	1992	1993	1994	1995	1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1981 1982 1983 1984 1985 1986 1987 1988 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1984 1985 1986 1987 1988 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

1990 1991 1992 1993 1994 1995 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

NEW RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON
CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY.
@\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$

CHECK VISA MC DISCOVER CARD#:

EXPIRATION DATE: _____ SIGNATURE: _____

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

THE UNIVERSITY OF CHICAGO

PLEASE USE THIS SPACE FOR ANY ADDITIONAL INFORMATION YOU WISH TO PROVIDE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE LIBRARY AT (773) 936-7100.

RECORDS SECTION OF THE UNIVERSITY OF CHICAGO
1900-1950
1951-1999

CHICAGO, ILLINOIS
60637-0800

SECTION 101.101
101.101

COMMITTEE ON THE UNIVERSITY OF CHICAGO
1950-1959

BACK LOGS OF THE UNIVERSITY OF CHICAGO
EACH

ANNUAL REPORTS OF THE UNIVERSITY OF CHICAGO
1950-1959

ANNUAL REPORTS OF THE UNIVERSITY OF CHICAGO
CO-OP
ESTABLISHED

UNIVERSITY OF CHICAGO
CHECK - VISA

EXTENSION OF THE UNIVERSITY OF CHICAGO
THE CHAIRMAN OF THE UNIVERSITY OF CHICAGO

UNIVERSITY OF CHICAGO
UNIVERSITY OF CHICAGO

UNIVERSITY OF CHICAGO
UNIVERSITY OF CHICAGO

UNIVERSITY OF CHICAGO
UNIVERSITY OF CHICAGO

UNIVERSITY OF CHICAGO
UNIVERSITY OF CHICAGO